

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
JAN - 7 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: January 7, 1977
By: *Malcolm F. Work*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
JAN 7 - 1977 m
At 10:55 o'clock a.m.
MARCH FONG EU, Secretary of State
By: *Debbie R. Keshelberger*
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
JAN - 7 1977

Office of Administrative Hearings

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

- | | | | |
|--------|-----------|------------|------------|
| Amend | Sections: | 63-2110 | 63-2223.3 |
| | | 63-2221.2 | 63-2227 |
| | | 63-2221.35 | 63-2229 |
| | | 63-2221.5 | |
| | | 63-2221.6 | 63-2330.11 |
| | | 63-2223.1 | 63-2332.3 |
| Repeal | Sections: | 63-2221 | Exhibit B |
| | | 63-2221 | Exhibit C |

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

63-2110 APPLICATION PROCESS

63-2110

Households wishing to participate in the program must make this desire known to the county welfare department and provide the county welfare department with enough information regarding household income and circumstances to make a determination of eligibility. Failure by the household to cooperate with the county welfare department in providing the information necessary for an eligibility determination can result in denial of the application. However, for Food Stamp purposes, applicants/recipients cannot

be denied benefits for failure to provide their social security account

number. When such information is requested of a Food Stamp applicant/

recipient, the individual must be informed whether it is mandatory or

voluntary, ^{what} by statutory or other authority such number is solicited and what

uses will be made of it. The following statement shall be read or given to

Food Stamp applicants/recipients at the time the Food Stamp application is

provided to the applicant/recipient:

"The county welfare department has the authority to request your
Security Number under the following statute: 7 USC 2011-2026 (7 CFR Parts
270-273).

Your Social Security Number will be used to identify information collected
from you to determine your initial eligibility or continuing eligibility to
food stamp benefits. It will also be used for statistical purposes to improve
program effectiveness or for enforcement purposes to determine if federal or
state regulations have been violated or enforcement proceedings are warranted.

You are not required to give your Social Security Number. However, it may be
to your advantage to do this as it may simplify the processing of your
application."

The application process consists of an application for participation made by or in the name of the household head, an interview, and required verification and documentation. For purposes of applying for program benefits, households fall into two categories--public assistance (PA) households and nonassistance (NA) households.

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 (Pursuant to Government Code Section 11380.1)

65-2221 PERSONS REQUIRED TO REGISTER

63-2221

.2 Instructions for Completion of Form DE 2451

A DE 2451 (or DE 2451V for veterans) must be completed for each household member required to register for work. The county shall instruct the applicant or registrant to sign his/her name and date of signature under Section P of this work registration application. No DE 2451 shall be accepted as complete by the EW until it is properly signed and dated.

Instructions for completing the DE 2451 call for social security numbers.

However, for Food Stamp purposes, applicants/recipients cannot be denied benefits for failure to provide their social security account number. If an applicant refuses to give his/her social security number and he/she is required to register for employment, the county welfare department should attach a note to the work registration form before sending it to EDD, stating the circumstances.

The county welfare department shall enter its address and the case name and number in Section R of each DE 2451 mailed to EDD together with the name and phone number of the EW who will have ongoing responsibility for the food stamp case, if this information is available. DE 2451's shall be mailed by the county to the appropriate EDD office in regular batches as part of the application process.

All DE 2451's required to be filed before the beginning of the seventh month and before the beginning of the initial month of all successive six-month periods (i.e., thirteenth month, nineteenth month, etc.) shall be clearly marked "Renewal" under Section M on the face of each form prior to their submission to EDD. This will enable EDD to differentiate between DE 2451's that are for new cases and those that are for renewal cases.

/she

In some cases an applicant will claim a mental or physical impairment which he/cannot adequately verify in accordance with Section 63-2223.3. It is recommended that the EW annotate all such claims under Section P of the DE 2451.

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.2 (Continued)

Also under Section P of the DE 2451 may be noted any information which in the determination of the EDD or the applicant would be helpful to EDD in applicant job placement. Notation of this information may be made by the applicant or by the employment worker. Such information might include age and pregnancy status. For example, an applicant aged 64 with no medical incapacity or other verifiable exemption from the work registration requirement is required to file a DE 2451. However, the applicant's age may, in actuality, limit his ^{her} opportunities for placement by EDD or his ^{her} ability to accept or perform certain types of employment. Similarly, a pregnant applicant may not by virtue of her pregnancy alone qualify for a work registration exemption without obtaining a doctor's incapacity statement, while this pregnancy may still effectively limit her employment opportunities. Regardless of EDD's decision not to refer individuals such as those mentioned above for counseling, employment, etc., the federal requirement that certain individuals applying for or receiving food stamps shall register for work is met by the proper completion and mailing of the DE 2451. EDD "de-activation" does not affect the individual's food stamp eligibility (see Section 63-2221.6).

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.35 Limitations of Counting Methods

It must be noted that the above counting systems which are designed to give the applicant the longest registration period possible commensurate with federal regulations will not allow for the extension of the six-month period to include a seventh month (refer to example cited in Section 63-2221.33) if an individual applies for food stamps and signs a DE 2451 on the first day of the month. Reformulating the example cited in Section 63-2221.33, the individual who signed both the application and the DE 2451 on March 1 would have to complete a renewal DE 2451 in August for September stamps. However, if the individual signed the application on the first of March but signed the DE 2451 on the second or on a subsequent day in March, the six-month period would expire on September 30. An application and a DE 2451 need not be signed on the same day (except where the county is bound by the "same-day emergency provisions" of Section 63-2314). Furthermore, a household which applies and is interviewed on the first of the month will not be required to return to the county welfare department at a later date with a completed DE 2451 merely for the purpose of extending the validity of the work registration document.

In addition, the county may shorten the maximum allowable registration period to as few as four months in an attempt to coordinate the expiration of certification periods with the expiration of work registration periods. Thus, an EW may request that a recipient complete a new DE 2451 at the time of reapplication if the EW intends to certify the recipient for a period longer than that covered by the old DE 2451.

An existing, valid work registration period can be shortened only when the recipient agrees to allow this action. The EW should fully explain the purpose of the action and any inherent advantages or disadvantages. Then, in the event the recipient refuses to allow the county to shorten a current work registration period, the county must consider the recipient's work registration valid for the entire previously established six or seven month period (unless the recipient specifically fails to comply without good cause with any of the requirements of Section 63-2224).

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.5 Registration of AFDC/Food Stamp Applicants

The household situation of AFDC recipients must be examined to determine the applicability of the food stamp work registration requirement. Registration for AFDC shall be considered to be equivalent to registration for work under the food stamp work requirement, and such registration shall continue to be effective until AFDC is terminated by the welfare income maintenance unit by dropping the individual from welfare. Exemption from AFDC work registration requirements shall not

be considered equivalent to exemption from Food Stamp work registration requirements. The recipient will be exempted from work registration for Food Stamp purposes only if that recipient meets the criteria of one of the exemption categories listed under Section 63-2222. All other recipients not currently registered for work under AFDC requirements will be required to register for work in accordance with the procedure established for NA households (Sections 63-2220 through 63-2229).

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.5 (Continued)

Properly completed forms MA-595 (AFDC-WIN registration) and GEN 827 (AFDC-ES registration) shall be acceptable for AFDC/Food Stamp applicant work registration. An applicant for both AFDC and Food Stamps shall have the Food Stamp block checked on the MA5-95 or GEN 827 and the Food Stamp case number entered if this number is not the same as the applicant's AFDC case number. If an AFDC recipient does not apply for Food Stamps until after the MA5-95 or GEN 827 has already been taken to EDD, the EW shall mail a CA 331/333 transmittal informing EDD that this person is now also a Food Stamp recipient.

.51 A mixed NA household in which an individual is terminated from AFDC for failure to comply with a work registration requirement which is common to both AFDC and Food Stamps shall also be terminated from Food Stamps by means of a DFA 377 (see Section 63-2405). Mere completion of a DE 2451 will not reestablish eligibility for Food Stamps. Such individual, in addition to completing a DE 2451, must also meet one of the criteria for redetermination of eligibility as specified in Section 63-2227.

This same policy shall be applied to a PA household in which an individual is terminated from AFDC for failure to comply with a work registration requirement which is common to both AFDC and Food Stamps, except that such household will also be required to complete a DFA 285 and meet all other NA eligibility criteria.

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.52 A mixed NA household in which an individual is terminated from AFDC for failure to comply with a work registration requirement ^{which} is unique to AFDC shall also be terminated from Food Stamps by means of a DFA 377. Eligibility for Food Stamps may be reestablished by completion of a DE 2451 and a DFA 285.

A PA household in which an individual is terminated from AFDC for failure to comply with a work registration requirement which is unique to AFDC, in addition to being terminated from Food Stamps by means of a DFA 377, shall be required to complete a DFA 285 and meet all other NA eligibility criteria.

.53 A mixed NA household in which an individual is terminated from AFDC for failure to comply with a work registration requirement will remain eligible for Food Stamps, regardless of whether such requirement exists in the Food Stamp Program, if such individual would normally be exempt from Food Stamp work registration pursuant to Section 63-2222.

A PA household containing such ^{an} individual shall be terminated from Food Stamps by means of a DFA 377. Although such individual may be exempt from Food Stamp work registration, his/her termination from AFDC makes the household ineligible for continued participation as a PA household. Such household shall be provided a DFA 377 which clearly indicates that reapplication may be made as an NA household.

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63-2221 PERSONS REQUIRED TO REGISTER (Continued)

63-2221

.6 Notification Requirement

It is recommended that the county welfare department inform EDD in writing when Food Stamp benefits are discontinued, when an initial application for Food Stamps has not been approved, and when a recipient identified by EDD as having failed to comply with work registration requirements is determined by the county to have done so with good cause (Section 63-2226). EDD shall notify the county welfare department of the recipient's failure to cooperate or to meet the additional registration requirements in Section 63-2224. However, EDD shall not be required to routinely notify the welfare office of the receipt of a DE 2451.

A notification from EDD to the welfare office that registration status has been terminated for a food stamp recipient (usually such notification would occur because the individual's EDD-assigned validity period has lapsed) should be disregarded by the welfare department if the recipient is currently meeting the work registration requirement of Section 63-2221. Also irrelevant for eligibility determination purposes are any internal EDD actions to de-activate or freeze an individual's status (Section 63-2221.2). Only if EDD notification contains information regarding a specific failure on the part of the individual to cooperate (see Section 63-2224) shall adverse action be initiated by the county welfare department.

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63-2223 DETERMINATION OF EXEMPTION STATUS

63-2223

.1 Mothers

If a mother and another member of the household both claim to be responsible for the care of the same dependent children or of incapacitated adults, the actual responsibility should be determined by discussion with the applicant. Under normal circumstances, only one household member shall

be exempted pursuant to this provision.

When two or more household members claim to be responsible for the care of different dependent children or incapacitated adults, more than one household member may be exempted. However, care must be taken by the EW not to compromise the intent of this regulation while, simultaneously, not working an undue hardship on the household. For example, under this provision a mother and another household member may not both be exempted for the care of sibling children. However, two mothers in the same Food Stamp household may both be exempted for the care of their own children. Likewise, two adults may be exempted in one household if that household contains both children and an incapacitated adult (or handicapped child) who alone requires the full-time attention of one able-bodied person.

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63-2223 DETERMINATION OF EXEMPTION STATUS (Continued)

63-2223

.3 Incapacitated

Receipt of disability payments under the Social Security Program Disability, (Retirement, Survivors, and Disability Insurance) shall be considered proof of disability for purposes of this exemption.

Other individuals claiming a disability exemption shall demonstrate their incapacity to engage in gainful employment by providing obvious physical evidence (such as a broken limb set in a cast) or by furnishing specific documentary evidence (such as medical reports) which clearly substantiates the claim. If the recipient has no such proof, he will be given State Form DFA 440 for completion by the recipient's doctor or other medical authority. Failure by the physician or medical authority to return this completed form within the 30-day processing period must result in the denial

of the household's application.

Therefore, if any reasonable question exists regarding the validity of the incapacity claim or the applicant's ability to establish it within the 30-day period, the applicant shall be required to complete a DE 2451. It is recommended that all such unverified claims of mental or physical impairment be noted by the EW under Section P of the applicant's DE 2451 before submission of that document to EDD. FNS has indicated that counties will not be reimbursed for expenses incurred by their referrals of such individuals for diagnostic medical examinations. Therefore, efforts might be made to help the applicant obtain the requisite verification through alternative sources.

When the incapacity exemption is granted, adequate documentation to support allowance of this exemption shall appear in the case file.

All household members subject to the work registration requirement shall complete a DE 2451 prior to the granting of emergency need food stamp benefits, unless such individuals can provide at the time they make application the requisite evidence substantiating the granting of an incapacity exemption.

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63-2227 REDETERMINATION OF ELIGIBILITY

63-2227

ineligible

When a household has been determined / for participation due to a refusal of a member to comply with the basic work registration requirement or with the additional requirements of Section 63-2224, eligibility shall be reestablished (provided the household is otherwise eligible) upon the occurrence of any of the following:

- .1 The expiration of the one-year suspension; or
- .2 The member's becoming exempt from the work requirement; or
- .3 The member's compliance as follows:
 - .31 Refusal to register -- registration by the household member.
 - .32 Refusal to report for interview to the EDD office where he registered -- reporting for the required interview.
 - .33 Refusal to respond to a request from the EDD office requiring supplemental information regarding employment status or availability for work -- response to the employment office correspondence.
 - .34 Refusal to report to an employer to whom he has been referred by such office -- reporting to such employer or another employer to whom he is referred.
 - .35 Refusal to accept a bona fide offer of the suitable employment to which he was referred by such office -- acceptance by the household member of such employment or of any other employment of at least 30 hours per week.
 - .36 Refusal to continue suitable employment to which he was referred by such office -- returning to such employment or acceptance of any other employment of at least 30 hours per week. If suitable employment does not exist and the individual has made a diligent job search, the individual may request his EDD worker to so inform the welfare department through Form CA 331/333. Upon receipt by the county of the CA 331/333 specifying this, the individual shall be considered to have complied with this requirement.

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(Pursuant to Government Code Section 11380.1)

63-2229 COUNTY WELFARE DEPARTMENT REPORTING

63-2229

County welfare departments shall report activities in connection with administration of the work registration requirement using Form FNS 285, Report of Reduction/Termination of Food Stamp Benefits, which is furnished to county welfare departments by FNS.

Entries to be made on the form are self-explanatory. Most of the required information is a compilation of the effects of certification actions taken as a result of receipt of information statements, which are forwarded in duplicate by EDD offices, when there has been a referral, placement action, or refusal to comply by the registrant. Such information documents may include the CA 331/333, the WIN 1056, or any other transmittal document used by EDD. County welfare departments should insure that this report includes AFDC recipients who are registered for work with MA 5-95's and GEN 827's. However, actions resulting from employment not secured through EDD should not be reported.

The block A figures will be those obtained by totalling the batches of DE 2451's mailed to EDD for the month. It is recommended that a central location in each welfare office monitor the number of DE 2451's mailed.

The dollar figures in those columns reflecting reductions in amounts of benefits or termination of benefits are intended to be the total reductions in the monthly bonus coupon entitlement which result from certification action, regardless of whether coupons were already purchased during the month in which the action was taken. Instructions for forwarding Form FNS-285 are shown on the form. All reports should be mailed by the 10th workday of the month following the month for which information is being reported.

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63-2330 NARCOTICS ADDICTS AND ALCOHOLICS (Continued)

63-2330

.1 Approval of Centers.11 Approval Procedure for Alcoholic Treatment Centers

- .111 Counties should inform those alcoholic treatment and rehabilitation centers which inquire about participation in the Food Stamp Program that to do so they must be certified by the State

Office of Alcoholism (OA) under the California Health and Welfare Agency. OA certifies alcoholic recovery homes and other residential treatment centers under two separate procedures. For the purposes of this provision, both forms of certification will be accepted.

- (a) Applicants seeking OA certification under the classification of "alcoholic recovery home" should direct their application for certification to the State Office of Alcoholism, Food Stamp Certification, 825 Fifteenth Street, Sacramento, California 95814.

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63-2330 NARCOTICS ADDICTS AND ALCOHOLICS (Continued)

63-2330

Counties should advise applicants that a valid state license issued by the Facilities Licensing Section, State Department of Health, or a license application in process is a necessary requisite for securing OA certification as an alcoholic recovery home. State license or application for license must be on file with the appropriate licensing field service district office or suboffice of the Facilities Licensing Section.

(b) All other residential alcoholism treatment centers may make initial application for OA certification with their local County Alcoholism Administrator. Neither a state license nor license application in process is required for this category of OA certification.

.112 If in doubt as to which form of OA certification is appropriate, the county welfare department should advise the applicant to contact their County Alcoholism Coordinator for further guidance.

.113 After securing OA certification, the alcoholic treatment and rehabilitation center may apply to the appropriate FNS Officer-In-Charge for FNS authorization.

63-2332 ZERO PURCHASE HOUSEHOLDS (Continued)

63-2332

.3 Certification Pending Verification

Households which are eligible at a zero purchase level and which are in immediate need of food assistance, may be certified for up to one month pending verification under procedures in Section 63-2315.

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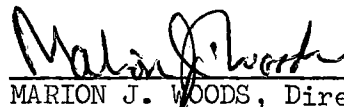
The following regulation is to be repealed on April 1, 1977, after its filing with the Secretary of State:

Exhibit B 63-2221 REGISTRATION PROCEDURE

Exhibit C 63-2221 REGISTRATION PROCEDURE

There are no increased administrative, program or support costs in these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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JAN 12 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: January 10, 1977
By: *Martin J. Wood*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

JAN 12 1977
At 10:35 o'clock a.m.
MARCH FONG EU, Secretary of State
By: *Margie R. Kershner*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 42-213.238
43-201.33

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(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
 WHICH MAY BE RETAINED (Continued)

42-213

.238 Disregarded child support payments (40% of the first \$50) to the
extent that such payments have been accumulated by a family and
to the extent that such accumulations are identified by the recipient
as solely resulting from disregarded child support payments. Acceptable verifi-
cation of such accumulations shall be a statement signed under penalty of perjury
by the recipient stating amounts received by date and source.

43-201 CHILD SUPPORT AND PATERNITY (Continued)

43-201

AFDC

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.33 When the child support collection is distributed under Section 43-203, certain payments will be made to the family.

.331 (Has been deleted.)

.332 Any payment made to the family from child support collected
in any month is considered available income in the month received.

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There are no increased administrative costs, program costs or support costs contained in these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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JAN 13 1977

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Copy below is hereby certified to be a true
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Department of Benefit Payments

(Agency)

Dated: January 12, 1977

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 13 1977

At 2:20 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Margaret R. Sheshbergh*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 63-2260

ADOPT: Section 63-2626

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The following facts constitute the emergency:

1. On August 6, 1976, the United States District Court order in Gutierrez v. Butz declared 7 CFR 271.3(c)(1) and FNS Instruction 732-1, Section 2326.1 to be void and without effect, to the extent that they apply the concept of anticipated income to seasonal migrant farm workers who are destitute.
2. On August 6, 1976, the Department of Benefit Payments received written instructions from FNS, USDA to implement the court order immediately.
3. The attached regulations implement the court order.
4. Because the regulation changes increase the availability of a nutritionally adequate diet to needy persons, they must be filed on an emergency basis to become effectively immediately.

The regulations are effective immediately upon their filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

63-2260 INCOME

63-2260

Except for the exclusions specified in Section 63-2263, all payments received by or made on behalf of household members will be income for food stamp purposes. The income considered is normally that received over the period of certification. As this is generally a future period, the income considered is that anticipated by the household. Exception: See Section 63-2626, Migrant Seasonal Farm Laborers.

In addition, adjustments in the form of deductions are allowed for certain household expenses which detract from the household's ability to meet normal costs of living.

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63-2626 MIGRANT SEASONAL FARM LABORERS63-2626

Farm laborers moving at intervals to follow crop harvests and available farm labor employment will be termed 'migrant seasonal farm laborers'. Migrant seasonal farm laborers may travel entirely within a state or may move across many states, travelling in a seasonal pattern. Because of the transient employment and residence of migrant seasonal farm laborers, the EW is faced with a most difficult task in determining their eligibility and coupon basis of issuance

Households containing seasonal farm laborers shall be certified in one of two ways outlined in Section 63-2626.1 and 63-2626.2, depending on household circumstances.

.1 Emergency Certification for Destitute Migrant Seasonal Farm Laborer

Households

Otherwise eligible households which are destitute of income and liquid resources, and which include seasonal farm laborers, shall be certified at the zero purchase level if exclusion of anticipated but unreceived income from a new source results in the household qualifying at the zero purchase level. See Section 63-2626.12 below for criteria for determining "destitute" status. Households which qualify under Section 63-2626.1 must be certified on the day of application (i.e., as defined in Section 63-2314.4).

.11 Certification Periods for Destitute Households

.111 Households meeting the criteria in .1 above which apply in the first half of the month and anticipate receipt of income from a new source within 15 days of the date of application shall be certified at the zero purchase level for the first half of the month.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2626

.112 Households meeting the criteria in .1 above which apply in the first half of the month and do not anticipate receiving income until 15 days after the date of application shall be certified at zero purchase for a full month.

.113 Households meeting the criteria in .1 above which apply in the last half of the month shall be certified at zero of the month. purchase for the last half/ However, such households will often be eligible for participation as outlined in .111 and .112 above at the beginning of the succeeding month.

.12 Determination of Destitute Status

For purposes of determining whether a household meets the criteria of .1 above, the following definitions and procedures shall be used:

.121 Destitute of income means that the household's income would place it at the zero purchase level; destitute of liquid resources means that the seasonal farm worker household does not possess sufficient liquid resources to meet the household's monthly food needs (as determined by the coupon allotment). If a seasonal migrant farm laborer household has a source of recurring income and expects to continue to receive such income during the certification period, it cannot be considered to be destitute of income unless the household's adjusted net income would qualify it to participate at the zero purchase level.

.122 The following procedures must be used to determine whether a household is destitute of income:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)63-2626a. Recurring Income

The household will be considered, for purposes of this section, to have a "recurring source" of income where it has received income from a source prior to application and expects to receive income from the same source during the certification period. In regard to the earnings of a household member, the earnings may be considered recurring income if

- (1) A payment was made to the household prior to application,
- (2) The household member is working for the same employer at the time of application and expects to do so during the certification period, and
- (3) One or more payments for such employment is expected to be received during the certification period.

Only the amount of recurring income paid or expected to be paid in the certification period shall be counted in computing the household's income.

b. New Income

- (1) If the household expects, but has not received, income from a new source during the certification period, this income must be disregarded in determining eligibility and issuance level during the current certification period. However, if the source of income then becomes a source of recurring income (see a. above), such income paid during a subsequent certification period would be counted as income.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2626

(2) Any new income received in the county during the applicable certification period, but prior to application being made, shall be counted as income.

(3) In regard to nonrecurring income received in another project area during the applicable certification period but prior to application being made, only the amount of each income which is available at the time of application shall be counted.

(4) The above income procedures apply both to seasonal migrant farm laborers and other members of the same household.

c. Deductions

For purposes of this section, income deductions allowable in determining destitute status shall be those allowable under Section 63-2264 that are paid or anticipated to be paid in the certification period, with the exception of deductions (under Sections 63-2264.1 and 63-2264.2) relating to income disregarded under Section 63-2626.

.13 Recurring Destitution

As long as a seasonal migrant farm laborer household qualifies as being destitute, no limit shall be placed on the number of times it can be certified under the emergency procedures applicable to seasonal migrant farm laborers. However, nothing in this section prohibits the use of an FNS-286 "Certificate of Household Transfer" in certifying the household (see Section 63-2420) if the household so chooses.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2626

.2 Certification of NonDestitute Migrant Seasonal Farm Laborer Households

All eligible migrant seasonal farm laborer households which do not qualify for emergency certification as outlined in Section 63-2626.1 above will be certified under normal certification procedures. Migrants may not be certified for longer than one month unless they have documentary proof of a contract with a specific grower or crew chief with the length of employment and the wages to be paid specified as being longer than a month or they are being certified during a nonwork period. However, nothing in this section prohibits the use of an FNS-286 "Certificate of Household Transfer" in certifying the household (see Section 63-2420) if the household so chooses.

.3 Exempt Income of Migrant Children

Some problems may be encountered in determining the income of migrant children under 18 years of age when the household receives one payment in compensation for work performed by all household members. Since the earned income of a student under 18 years of age is exempt, his/her income must be differentiated from that of the rest of the household's income. The EW should, as part of the certification process, determine from the head of the household, or the employer that portion of income which may be attributed to the student's work and exclude it from the household's income. This procedure applies to students who are currently attending school and those who plan to return to school after academic breaks.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2626

.4 Verification of Migrant Income

Although documentary verification is not always available from the earnings of migrant households, verification of earnings may be obtained through a variety of sources which include, but are not limited to, Employment Development Department, Farm Labor Bureau, Rural Manpower Development, Farmer's Cooperative Service, grower's associations, migrant service organizations, the county agent, the individual growers and crew chiefs. In the case of applicant households having no income the county shall, at a minimum, verify through collateral contact that such households have zero income at the time of application. A collateral contact might include, but is not limited to, any of the following: an employer who might verify the migrant household had not received wages at the new county of application before the day of application, a friend or neighbor who can give a reasonable account of a household's financial situation, or a letter in the possession of the applicant household from a previous employer. If the applicant indicates that he/she will be working for various growers or crew chiefs, a calendar form providing space for recording each day's income and hours worked, together with a space for the signature of the grower or crew chief to validate such information, may be provided the household for presentation at the next certification.

.5 Verification of Migrant Resources

Special care should be taken in dealing with migrants to determine if there are out-of-state resources or income from real property in the home base area. For example, a migrant who claims Texas as a home base area and who is applying for food stamps in California, should be questioned as to the availability of resources in Texas as well as California.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

63-2626 MIGRANT SEASONAL FARM LABORERS (Continued)

63-2626

Particular attention should be paid to real property in the home base area. Each applicant household is permitted one home / (including the lot) as an exemption from resources. In the example above, if the applicant does not own a residence in California, the Texas home will be exempted as a resource. Shelter adjustments, however, may only be calculated by using housing the costs of/the recipients currently occupy. A payment made for shelter in another project area cannot be taken into consideration in computing the shelter deduction.

Additionally, the EW should explore the possibility that out-of-state real property is being rented or is producing income in some way. If such property is producing income, such income must be added to all other nonexempt household income in determining the eligibility and basis of issuance.

.6 Work Registration of Migrants

Employable members of migrant households who are not employed at least 30 hours a week must register for and accept suitable employment in the same manner as other Food Stamp Program participants. The county may wish to make contacted growers aware of the fact that migrants are being registered with the Employment Development Department (EDD) and that they can obtain workers there.

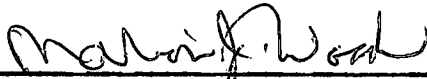
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no increased county costs required by these regulations.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



January 11, 1977

FILED
In the office of the Secretary of State
of the State of California

JAN 13 1977
At 2:10 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie R. Hershberger
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on September 20, 1976, concerning Administrative Standards for Regulation Enforcement, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

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JAN 13 1977

Office of Administrative Hearings

76-241

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 14 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

JAN 14 1977

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: January 13, 1977

By: *Malvin J. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 14 1977

10:26 AM

MARCH FONG EU, Secretary of State

By: *Shen H. H. H.*

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 63-2060

Repeal Chapter: 63-6000

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2060 QUALITY CONTROL

63-2060

The Department of Benefit Payments will establish and maintain a quality control system. Quality Control is an administrative system for documenting the extent of and reasons for errors in the eligibility and basis of issuance of participating households.

Quality Control accomplishes its purpose by a continuous review of statistically reliable Statewide samples of cases receiving food stamps and cases denied participation in the food stamp program, and by the analysis of review findings to determine the incidence and amounts of errors. The county welfare department will take action to correct errors discovered in a Quality Control determination.

1. Co-operation with Quality Control

.11 Termination for Failure to Cooperate

If positive efforts by Quality Control personnel / to secure the cooperation of a recipient in a review fail, the aid of the County Welfare Department enlisted may be / in a further attempt to gain the cooperation of the recipient in the review process.

The Quality Control reviewer will advise the county of the recipient's unwillingness to cooperate in the review. The county will then send the household a notice of adverse action in accordance with Section 63-2405. Such notice will indicate the county's willingness to schedule a conference or continue the review. If the recipient is still unwilling to participate in the review, he/she will be declared ineligible to receive food stamps.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

63-2060 QUALITY CONTROL (Continued)

63-2060

.12 Criteria For Reinstatement

If the household requests a fair hearing during the advance notice period, a continuation of benefits shall be granted, if requested, in accordance with Section 63-2407. If the household does nothing by the end of the notice period, it will be considered ineligible to receive food stamps. A household disqualified from participation in the program for refusal to cooperate in a review may reapply and be certified for participation in the program provided that the household cooperates fully and completely in supplying to the EW full verification of all elements of eligibility prior to such certification. The county shall inform the recipient of his/her right to reapply and of his/her responsibility to provide the necessary verification if reapplication occurs by notation on the DFA 377 or on the approved county equivalent document.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective April 1, 1977,
upon filing with the Secretary of State:

Chapter 63-6000 Quality Control

No increased county administrative expense costs, no increased
program costs and no increased state support costs were identified.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
JAN 25 1977
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
JAN 25 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: January 24, 1977
By: *Marjorie Board*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

JAN 25 1977
At 1:39 o'clock P.M.
MARCH FONG EU, Secretary of State
By: *Marjorie Board*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421 (b) of the Government Code.

Amend Sections: 44-113.8
46-315.11
47-413.21
47-713.5

Adopt Sections: 42-213.21(j)
42-213.23(i)
44-111.3(1)
46-210.51(1)
47-711.29

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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The following facts constitute the emergency:

1. On October 4, 1976, the Tax Reform Act of 1976 was enacted (P.L. 94-455). Section 402 of the Act amended Section 2(d) of P.L. 94-164 to remove the July 1, 1976 cut-off date on the disregard of the earned income credit for the purposes of determining eligibility and grant amount in federally funded assistance programs. This amendment was made retroactive for the entire 1976 taxable year.
2. The attached regulations implement the change made by P.L. 94-455 and provide for grant adjustments for those in the AFDC program who were adversely affected by receiving their earned income credit after July 1, 1976.
3. In order to ensure that the disregard of the earned income credit is available when public assistance recipients begin receiving their tax refunds for the 1976 taxable year and to avoid any unnecessary delays in providing grant adjustments for those who received their earned income credit after July 1, 1976, it is necessary for these regulations to become effective immediately.

Therefore, these regulations are adopted on an emergency basis to become effective February 1, 1977 after filing with the Secretary of State.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-213

.2 Personal Property to be Excluded (Continued)

.21 Applicable to Both Programs (Continued)

J. Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures
law for APSB for AFDC
which state/or federal law/ specifically exclude from consideration
as a personal property resource.

(1) 1974 Income Tax Rebates (Public Law 94-12) are exempt
as long as the monies retained are not commingled and
can be separately identified as a proportionate share
of the recipient's property.

(2) \$50 Lump Sum cash payments (Public Law 94-12) are
exempt as long as the monies retained are not
commingled and can be separately identified as a
proportionate share of the recipient's property.

The state shall promptly advise county welfare departments on the
other
exempt status of / tax rebates and credits in each program
and shall prescribe the method of notifying recipients. Recipients
must cooperate with county personnel by providing necessary information
or documentation such as Form W-2 and Form 1040 to compute the correct
grant amount. See Section 44-111.3(1) for treatment as income. This
section does not apply to annual refunds of income tax.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

42-213

AFDC

.23 Applicable to AFDC Only

- a. Any reasonable accumulations resulting from any exempt earned income of a child which is being saved for future education or training or for other future identifiable needs.
- b. The separate and community share of personal property of a parent who has surrendered full custody of his child pursuant to a court order.
- c. The personal property belonging to the absent parent and not available to the family if it is held by or in the name of the absent parent and the family does not have access to it to meet current needs.
- d. The separate and community share of personal property of a parent who has relinquished his child for adoption and the relinquishment has been filed with the State Department of Health.
- e. The separate and community share of personal property of the father of the child who is not married to the mother if the parents are not maintaining a home together. Exception: If the father has legitimated the child under Section 230 of the Civil Code, his property is subject to the same inclusions and exclusions as that of the father who is married to the mother.
- f. The separate and community share of personal property of the stepfather.
- g. The exclusive property of an ineligible child.
- h. Disregarded child support payments (40% of the first \$50) to the extent that such payments have been accumulated by a family and to the extent that such accumulations are identified by the recipient as solely resulting from disregarded child support payments.

i. Federal earned income tax credits (Public Law 94-455) are exempt as long as the monies retained are not commingled and can be separately identified as a proportionate share of the recipient's property. This exemption is effective until January 1, 1978.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

AFDC
APSB

1. Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures which
law for APSB for AFDC
state/or federal law/specifically exclude from consideration as
income are exempt.

(1) 1974 Income Tax Rebate (Public Law 94-12).

(2) \$50 Lump Sum cash payment (Public Law 94-12).

AFDC

(3) Federal earned income tax credit (Public Law 94-455). This
exemption is effective until January 1, 1978.

The county welfare department shall retroactively reimburse the
recipient when he/she notifies the county of an earned income credit
received after July 1, 1976, for the taxable year 1975, if he/she
either became ineligible or had his/her grant reduced as a result of
receiving such payment. DBP will be notifying recipients of their
possible eligibility for this reimbursement through an informational
Medi-Cal stuffer.

AFDC
APSB

The state shall promptly advise county welfare departments on the
exempt status of other tax rebates and credits in each program and
shall prescribe the method of notifying recipients. Recipients must
cooperate with county personnel by providing necessary information or
documentation such as Form W-2 and Form 1040 to compute the correct
grant amount. This section does not apply to annual refunds of income
tax which are net non-exempt income in the month received (see Section
44-113.8).

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AFDC .8 Refunds of Income Taxes, Tax Credits and Retirement Contributions

APSB .81 Refunds of income taxes or retirement contributions are to be considered net nonexempt income in the month received. Such refunds are not to be considered earned income for the month in which they are received, and the earned income exemption of 44-111.23 shall not be applied to them.

APSB .82 Federal earned income tax credits / ^{are} considered income in the month received.

Any portion
of the tax credit retained after the month of receipt is treated
as personal property subject to the reserve limitations in Section
42-207.3, Property Reserve Limitation, and Section 42-207.4,
Property Held for use in a Plan of Self-support.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-210 ELIGIBILITY - FACTORS FOR SSP (Continued)

46-210

.51 In determining the allowable resources of an individual (and spouse if any), the following items are excluded: (Continued)

1. Tax rebates, credits or similar temporary tax relief measures which state or federal laws specifically exclude from consideration as a personal property resource. ^{The} specific rebates and credits listed in Section 46-315.112 (Income Exclusions) are also exempt as property as long as the monies retained are not commingled and can be separately identified as a proportionate share of the recipient's property.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING INCOME

46-315

In determining the eligibility for and amount of the SSP _____ payment, certain payments received or portions thereof will not be counted as income to the individual and eligible spouse.

.1 Income Exclusions - General

The following items will be excluded from consideration as income:

.11 Refunds, Credits and Rebates of Taxes

- .111 Refunds of taxes paid on real property or purchased food received from any public agency, or renter's credit payments received as a refund pursuant to Section 17053.5 of the Revenue and Taxation Code.

.112 Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures which state or federal law specifically exclude from consideration as income are exempt.

- (a) 1974 Income Tax Rebate (Public Law 94-12).
- (b) \$50 Lump Sum cash payment (Public Law 94-12).
- (c) Federal earned income tax credit (Public Law 94-455).

This exemption is effective until January 1, 1978.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
 BE RETAINED (Continued)

47-413

APSB | 2 Personal Property to be Excluded

The following are excluded from consideration in personal property reserve limitations (see Section 47-407.3 Property Reserve Limitation - APSB).

.21 Applicable to Both Programs

- a. Funds held in escrow account if the escrow can be revoked only upon the consent of all parties involved.
- b. Stock in a water company not appurtenant to the land in the amount necessary for agricultural purposes.
- c. Loans not available for current need because of conditions imposed by the lender and any unexpended portions of loans or grants that are exempt from consideration as income under Section 47-711.33, Loans and Grants.
- d. The following burial reserves when the total amount paid for all such items does not exceed \$1,000:

- (1) Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (a) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

- (b) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

- (2) Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

- (a) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.

- (b) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

- (3) Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 total payment limitation specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be separate property of the person for whose use they are intended.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

47-413

PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

47-413

e. Federal Payments to Indians and Alaskan Natives

- (1) Payments received from the Federal Government under Public Law 90-507 shall be excluded from consideration as personal property when the total of nonexempt personal property, including such payments does not exceed \$2,000 for each individual adult or minor recipient.

When such payments are converted into other property, the property shall be treated the same as the payments. However, if the property received through such a conversion is again converted, the property (real or personal) acquired is subject to the limitations on property contained in Chapter 47400, Property.

- (2) Payments received from the Federal Government under Public Law 92-254 shall be excluded from consideration.

- (3) Per capita payments distributed pursuant to any judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian Tribe are exempt (Public Law 93-134).

- (4) Alaskan Natives

Shares of stock and money payments made to Alaskan Natives under the Alaskan Native Claims Settlement Act are exempt as long as the payments or stock remain separately identifiable and not comingled with nonexempt resources. Any property obtained from stock investments under the Act is not exempt.

f. Relocation Assistance Benefits

Relocation assistance benefits paid by a public agency to a public assistance recipient who has been relocated as a result of a program of area redevelopment, urban renewal, freeway construction or any other public development, involving demolition or condemnation of existing housing.

g. Lost, Stolen, Damaged, or Destroyed Property

The amount of a payment which compensates for property which was lost, stolen, damaged, or destroyed (see Section 47205 / Differentiation of Property and Income) is excluded for the month of receipt and the following calendar month. Thereafter the amount shall be treated in accordance with Section 47411.258, All other Property.

h. Retroactive Corrective Aid

The amount of a payment of retroactive corrective aid (see Section 47831 / Action on Underpayments) is excluded for the month of receipt and the following calendar month. Thereafter the amount shall be treated in accordance with Section 47411.258, All Other Personal Property.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH MAY
BE RETAINED (Continued)

47-413

APSB1. Household Items and Furnishings

Household items and furnishings falling within the following
general categories are exempt when used to provide, equip, or
maintain a household for the applicant or recipient:

- (1) Furniture, including rugs, drapes and mirrors.
- (2) Major and small appliances, including air conditioners.
- (3) Kitchenware.
- (4) Television and music systems.
- (5) Cleaning equipment.
- (6) Gardening equipment.

Permanently affixed items, such as built-in appliances and wall-
to-wall carpeting, are considered real property.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-413 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

47-413

.2 Personal Property to be Excluded (Continued)

.21 Applicable to Both Programs (Continued)

J. Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures
which state or federal law specifically exclude from consideration
as a personal property resource.

(1) 1974 Income Tax Rebates (Public Law 94-12) are exempt
as long as the monies retained are not commingled and
can be separately identified as a proportionate share
of the recipient's property.

(2) \$50 Lump Sum cash payments (Public Law 94-12) are
exempt as long as the monies retained are not
commingled and can be separately identified as a
proportionate share of the recipient's property.

The state shall promptly advise county welfare departments on the
exempt status of ^{other} / tax rebates and credits in each program
and shall prescribe the method of notifying recipients. Recipients
must cooperate with county personnel by providing necessary information
or documentation such as Form W-2 and Form 1040 to compute the correct
grant amount. See Section 47-711.29 for treatment as income. This
section does not apply to annual refunds of income tax.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-711 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

47-711

APSB

.2 Exemption of Payments from Public Sources (Continued)

.29 Special Tax Rebates and Credits

Tax rebates, credits or similar temporary tax relief measures which state or federal law specifically exclude from consideration as income are exempt.

.291 1974 Income Tax Rebate (Public Law 94-12).

.292 \$50 Lump Sum cash payment (Public Law 94-12).

DO NOT WRITE IN THIS SPACE

The state shall promptly advise county welfare departments on the exempt status of other tax rebates and credits in each program and shall prescribe the method of notifying recipients. Recipients must cooperate with county personnel by providing necessary information or documentation such as Form W-2 and Form 1040 to compute the correct grant amount. This section does not apply to annual refunds of income tax which are net non-exempt income in the month received (see Section 47-713.5).

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-713 NET INCOME (Continued)

47-713

APSB.5 Refunds of Income Taxes, Tax Credits and Retirement Contributions

- .51 Refunds of income taxes or retirement contributions are to be considered net nonexempt income in the month received. Such refunds are not to be considered earned income for the month in which they are received, and the earned income exemption of Section 47-711.73 shall not be applied to them.

- .52 Federal earned income tax credits are considered income in the month received.

Any portion

of the tax credit retained after the month of receipt is treated as personal property subject to the reserve limitations in Section 47-407.3, Property Reserve Limitation, and Section 47-407.4, Property Held for use in a Plan of Self-support.

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CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

These regulations do not mandate any costs on local government.

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations attached hereto.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

FEB 3 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
 (Gov. Code 11380.2)

FEB - 3 1977

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: February 3, 1977

By: *Mahesh Patel*

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

FEB 3 - 1977

At 2:05 o'clock P. M.

MARGH FONG EU, Secretary of State

By: *John D. Duder*
 Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections:	40-103.4	40-187.2
	40-103.84	40-189
	40-109	40-191
	40-115	40-193
	40-117	40-195.1
	40-119	40-195.212
	40-121	40-197.1
	40-125.4	42-207.6
	40-125.5	42-213.233
	40-125.6	44-213.1
	40-125.8	44.221
	40-128	44-301
	40-129.2	44-305.1
	40-129.3	44-305.24
	40-129.4	44-315.7
	40-129.5	44-315.93
	40-131.2	44-317.6
	40-181	44-323
	40-183.1	

Adopt Section: 42-213.138

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-103 DEFINITIONS AND DESIGNATIONS — GENERAL (Continued)

40-103

.4 Applications for Aid

An application is a request for aid in writing made to the county welfare department on the prescribed form either by the applicant or on his or her behalf.

Applications are as follows:

- .41 New — The applicant has not previously applied for the same aid in the same county.
- .42 Restoration — The applicant was a recipient of the same category of aid in the same county and his or her grant has been discontinued for 12 months or less at the time of the current application.
- .43 Reapplication
 - .431 The applicant's previous application for the same aid in the same county was withdrawn or denied, or
 - .432 The applicant is a former recipient of the same aid in the same county whose grant has been discontinued for more than 12 months at the time of the current application.
- .44 Appropriate Action on an Application — Appropriate action on an application includes authorization of a cash grant and certification for medical assistance to persons determined to be eligible; certification as a medically needy person or family eligible for medical assistance, or such other disposition as is indicated by the investigation, i.e., denial, cancellation, etc. (See Section 40-171.)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-103 DEFINITIONS AND DESIGNATORS - GENERAL (Continued)

40-103

AFDC .84 Aid to Families with Dependent Children - to provide financial aid for children who lack financial support and care, to protect and preserve the family unit as the key to sound growth and development of children, to rehabilitate or to provide the opportunity for rehabilitation of the family whenever possible and to make available to children who cannot live in their own homes, the kind of care and treatment best suited to their needs. AFDC is the designator for this program.

.841 AFDC-FG is Aid to Families with Dependent Children in a family group in which the child is deprived because of the absence, incapacity or death of either parent

.842 AFDC-U is Aid to Families with Dependent Children in a family group in which the child is deprived because of the unemployment of a parent living in the home.

.843 AFDC-BHI payment under the Aid to Families with Dependent Children program is payment for a child who requires 24-hour a day care in a foster home or institution pending return to his/^{her} own family or in accordance with the development and implementation of a continuing plan of care as provided in Section 30-209.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-109 APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID--GENERAL 40-109

AFDC
APSB.1 Right to Apply for Aid

Subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another, including an unborn. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application.

.2 Right to Choose Type of Aid

A person or his/her representative who believes the applicant meets the eligibility requirements for more than one category of aid has the right to choose the type of aid for which he/she will apply.

.3 Right to be Considered for Another Program

If a recipient becomes ineligible for the type of aid he/she is receiving but appears eligible under another public social service program, his/her request for aid under such other program is to be recorded and any required additional investigation completed promptly so that there will be no interruption in aid payments to him/her (see Section 40-117). If an eligible recipient in one program appears to be eligible for aid in another program and wishes to take advantage of such eligibility, the same procedure shall be followed.

.4 Applicant's Right to Self-Determination

.41 The right to be self-determining is of paramount importance for the individual in clarifying when, how, and what the individual wants for him/herself. However, his/her freedom of choice may be limited by his/her capacity for self-determination and by the function of the agency as expressed in law and regulations.

.42 It is necessary to respect the individual's right to accept or reject what the agency has to offer him/her.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-115 THE APPLICATION PROCESS

40-115

AFDC

APSB

.1 Purpose

The basic purpose of the application process is to assist the individual in establishing his/her eligibility for aid and services.

.2 Steps in the Application Process

.21 Discussion of Circumstances Leading to Application

he/she

.211 The individual with the help of the worker tells why he/she is applying for aid or services, the worker explaining agency requirements, program limitations, the applicant's rights and responsibilities and what he/she can expect from the agency.

.22 Exploration of Eligibility

The applicant will be given an appropriate Statement of Facts (i.e., APSB 201 or CA2) to complete and sign under penalty of perjury. ~~Acceptable evidence~~ must be obtained concerning the linking and nonlinking factors of eligibility. (See each Eligibility Chapter - Divisions 41 and 42 - for what is acceptable evidence.) When such evidence does not exist, the applicant's sworn statement under penalty of perjury will be considered sufficient.

.221 Before additional evidence may be obtained, the applicant must agree to continue the process of attempting to establish his/her eligibility.

.222 The applicant must participate in the gathering of evidence necessary to make an eligibility determination insofar as he/she has the capacity to do so.

.223 The principles and methods set forth in 40-157.2 and 40-157.3 shall be observed when obtaining evidence.

.224 The application process is not complete until all the evidence is in.

.23 Determination of Eligibility

are

.231 If eligibility is clearly established, aid is authorized and the eligible persons are certified for medical assistance.

is

.232 If it is determined the applicant is ineligible for a cash grant, determination of eligibility or ineligibility for certification as a medically needy person or family is required before action is taken on the application.

.24 Authorization of Assistance

.241 The next step in the application process concerns only approved applications. This step includes the following:

a. Authorization of assistance to a person who has been determined to be eligible for a cash grant;

b. The administrative procedure which assures prompt payment to a new recipient ; and

c. Certification for medical assistance.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-117 RIGHT TO INITIATE AN APPLICATION

40-117

APSB .1 Right to Initiate an Application for APSB.11 Any person has the right to apply for aid by completing the CA 1..12 An application for aid submitted by another person on behalf of an applicant shall be considered if:.121 The application is submitted by the applicant's guardian or conservator, or.122 The applicant is unable to apply on / ^{his/her} own behalf, and the application is submitted at / ^{his/her} request.

(Also see Section 40-128.3 regarding Statement of Facts.)

AFDC .2 Right to Initiate an Application for AFDC

Any person acting on behalf of a family or child, including the unborn, who believes the family or child to be in need has a right to request aid; however, the county should make every effort to obtain the parent's signature on the application.

Persons or agencies that may make application for a family or child may include, but are not limited to:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-117 RIGHT TO INITIATE AN APPLICATION

40-117

.21 A guardian or relative with whom the child resides (see Section 44-213.2).

.22 The person closest to the family or child who has knowledge of the needs of the family or child and knows of the desire of the family to apply, and who requests aid in behalf of the family or child with the knowledge and consent of the parent, guardian or relative.

.23 The person or agency which placed the child in a boarding home or institution.

.24 The representative of a public agency.

.3 The Family or Child Absent from the State - A request for aid per the CA 1 cannot be approved unless the county determines that the continued absence of such family or child is beyond the family's or child's control.

(See Chapter 42-400.)

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APSB.4Application Previously Denied

The individual whose application for APSB has been denied by reason of ineligibility may not again apply for the same program until the expiration of 90 days from the date the previous application was denied. The 90-day period shall be waived, with the consent of the county, or on order of the State Department of Benefit Payments, or when the condition which caused his application to be denied has materially changed.

APSB
AFDC40-119 HOW AND WHERE APPLICATION IS MADE

40-119

Application is accepted if made in writing on the CA 1 by the applicant to the county in which the applicant lives. If ^{she} is physically present in another county, the request for aid may be made to such other county but is forwarded to the county in which the applicant lives, where it is recorded as an application. (See Sections 40-117 and 40-125.)

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

APSB
AFDC

40-121 COMPLETING THE APPLICATION

40-121

.1 Date of Application

The date of the application for aid is the date on which the written application for aid is received by the county.

.2 Recording the Application

The application shall be recorded at the time the applicant, or someone properly acting on his/^{her} behalf first requests aid as provided in Section 40-119. Exceptions to this requirement are:

.21 When an application or request for restoration has been denied and corrective action is to be taken, aid is then granted on the same application or request for restoration which was previously denied. (See Section 44-317.8.)

.22 When granting of aid is ordered by DBP following a fair hearing.

.23 (Has been repealed per Manual Letter No. 77-1)

.3 The Application Form

The application is recorded on the Form CA 1. A copy of the completed application shall be given to the applicant at the time he applies. An application _____ shall not be required for:

.31 A request for restoration of aid.

.32 Any application (new, restoration, or reapplication) that is also an intraprogram status change or interprogram transfer. (See Sections 40-183 and 40-185.)

.33 Any intercounty transfer. (See Section 40-187.)

.34 A request to add a child including the unborn child, to the Family Budget Unit in AFDC.

These requests shall be recorded in the case record when received and shall be acted upon promptly. ^{In AFDC aid for} additional children shall be authorized promptly upon completion of the evaluation of the child's eligibility. The child's name is recorded on the next CA 2.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATION, AND RESTORATIONS
(Continued)

40-125

APSB
AFDC

.4 Applicant is in County B but Lives in County A

.41 Responsibility of County B

County B shall assist in completing the application Form CA 1 ^{and} in securing the Statement of Facts (APSB 201 or CA 2) ^{and also} information and immediately send the application, the appropriate Statement of Facts and supporting documents and information to the county in which the applicant lives (County A).

Upon the request of County A, County B shall assist in determining initial and continuing eligibility, developing a service plan, and in providing needed services to the applicant.

When the applicant or recipient in a state hospital is to be released and will reside in a County B (see .32 above), County B shall also upon request of the State Department of Health or State Department of Benefit Payments liaison staff, provide any needed assistance to expedite the application process or to determine continuing eligibility. This county shall also assist, as needed, in planning for care of the applicant outside the hospital, keeping County A informed promptly of its activities on behalf of the applicant.

.42 Responsibility of County A

County A shall accept the application, complete the determination of eligibility and grant aid if eligibility is established.

.5 Applicant or Recipient Moves After Signing Application or Requesting Restoration

When an applicant moves from one county to another to make his/her home (see Section 40-189) after application has been signed or restoration requested

in the first county, the first county shall complete

the determination of eligibility or ineligibility. If eligibility exists, this county shall authorize aid and certify the applicant for medical assistance, or if indicated, certify him/her as a medically needy person eligible for medical assistance. Intercounty transfer is then initiated with the county in which the recipient is making his/her home. (See Section 40-189.)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS
APSB (Continued)

40-125

.6

An individual cannot receive aid under the APSB and SSI/SSP programs at the same time. The county welfare department has the responsibility of advising the APSB applicant that the SSI/SSP program, administered by the Social Security Administration, also provides for the exclusion of income and property which are essential to a blind recipient's plan for self-support. The county welfare department shall assist the person to the extent his/her possible in / selection of the program which is more appropriate to his/her needs.

If the applicant does not meet the conditions of eligibility for a cash grant, the county shall, on the basis of the same application, determine whether he/she meets the conditions of eligibility for medical assistance as a medically needy person and, if so, make an appropriate certification.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS
(Continued)

40-125

AFDC .8 Child Living in Boarding Home or Institution

.81 A child living in a boarding home or private child care institution as a result of placement by a public agency, or by a private agency which has legal custody because the child has been relinquished to them or a court has given them legal custody, is considered to make his/her home in the county in which the agency is located, regardless of whether the boarding home or institution is situated in that county.

Where a private child care agency has made or desires to make a placement of a child placed voluntarily by the parent or legal guardian, application should be made in, or transferred to, the county in which the parent or guardian resides. If that county determines, pursuant to the approval of the private agency's services evaluation, that a need for placement exists, the procedures for voluntary placement outlined in Section 44-323.114 shall apply. The county welfare department shall also require, as a condition of eligibility, a statement every six months from the private agency that a plan is developed and services are being provided in accordance with Social Services Standards Manual Chapter 30-200.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS
(Continued)

40-125

.81 continued

The agency making or desiring to make a placement in a county other than the one in which the responsible agency is located, may request a service evaluation of the placement home by the by the county in which the home is located. In such situations, placement shall not be made nor AFDC-BHI authorized until the appropriateness of the placement home or institution is confirmed in accordance with Section 44-305.131.

For purposes of this section:

.811 A boarding home is the home of a private family, unrelated to the child, which accepts the child for board and care.

.812 A public or private agency, other than a private agency making a voluntary placement of a child not in their legal custody, is considered to have placed the child in a boarding home or institution if the agency:

a. Actively participated in making the decision as to whether or not the child was to be placed; and

b. Initiated the placement of the child, either through direct negotiations with the boarding home or institution or by requesting help in making the placement from the county in which the boarding home or institution is located.

.82 Where an agency has placed a child in foster care, and at time of placement or subsequent thereto a court of competent jurisdiction in a county other than that in which the placing agency is located accepts responsibility for the child, the agency shall initiate an intercounty transfer of the child's BHI case to the county in which the court is located.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-128 APPLICANT'S _____ STATEMENT OF FACTS

40-128

APSB
AFDC

.1 Filing an Appropriate Statement of Facts

.11 The applicant, in support of / his/her application, shall complete, sign, and file with the county a Statement of Facts supporting / his/her eligibility for assistance per the form prescribed by the Department of Benefit Payments (i.e., APSB 201 for APSB, CA 2 for AFDC). The statement may be filed with the county at the time of application or at any subsequent time prior to completion of the determination of eligibility. In the case of an applicant in "immediate need," see Section 40-129.

.111 A copy of the completed Statement of Facts is to be given to the applicant if / he/she so desires or to the guardian, conservator, or other person who completed the original.

.112 Two copies of the Statement of Facts shall be available to applicants and recipients on request, but only one copy of the Statement of Facts shall be required to be completed, signed, and returned to the county welfare department.

.12 A change in an aid recipient's status from that of a medically needy person certified for medical assistance to that of a grant recipient does not require a new application. A Statement of Facts, APSB 201 or CA 2, as appropriate for such person is required before a cash grant is authorized/only in circumstances described in Section 40-183.5.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-128 APPLICANT'S _____ STATEMENT OF FACTS (Continued)

40-128

AFDC .2 Who May Sign the AFDC Statement of Facts

Every effort should be made to obtain the parent's or guardian's signature
of Facts
on the Statement / (CA 2) regardless of who signs the application (CA 1).

However, _____ a

relative or the social service agency representative who has responsibility
in the following instances:
for the care and supervision of the child may sign the CA2 /

.21 The child has been relinquished for adoption.

.22 There is no parent or guardian.

.23 The parent has been legally deprived of the child's custody.

.24 The parent cannot be located or is not available to sign.

The he/she
/ parent may be deemed unavailable to sign if / is physically or

mentally incapable of signing. In all situations where the
child is living with someone other than the parent, then the
parent may be deemed unavailable to sign if (1) his/her
whereabouts are unknown, (2) he/she refuses to sign, or (3)
he/she refuses to cooperate in providing necessary information.

(See Section 40-131 regarding interview requirement.)

.25 At county option, the licensed private adoption worker, probation
officer or county social service or adoption worker who is respon-
sible for the placement and supervision of the child may complete a
CA 2X in place of the CA 2 under the following circumstances:

.251 The child is relinquished for adoption.

.252 The parent is unavailable to sign, as described in .24 above.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-128 APPLICANT'S _____ STATEMENT OF FACTS (Continued)

40-128

APSB .3 Who May Sign the Statement of Facts for APSB

of Facts
.31 The Statement / and other documents relating to eligibility
for APSB are to be signed by the applicant. Where the appli-
cant is determined by the county to be unavailable or unable
to sign, the Statement / and such documents may be completed
on behalf of the applicant by / his/her guardian, the conservator
of / his/her estate, a relative, a close personal friend, or by a
representative of a public agency, provided any such person
has all the necessary knowledge of the applicant's circumstances
and is willing to affirm thereto.

.32 Inability of the applicant to act in his/her own behalf in
completing the Statement of Facts is an indication that the
applicant may not be able to pursue a plan of self support
and, therefore, would not be a proper candidate for APSB.
If it is determined that the applicant is not a proper
candidate for APSB, the county shall advise him/her of the
availability of SSI/SSP benefits through the Social Security
Administration.

AFDC .4 When the Statement / of Facts
and other documents are to be completed by a re-
presentative of the county on behalf of the applicant or recipient,
that representative shall be the person with responsibility for the
care and supervision of the applicant or recipient, and another
representative of the county shall then countersign and approve any
recommendation for authorization of aid payments. (See Section
40-131 regarding interview requirement.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-129 IMMEDIATE NEED (Continued)

40-129

APSB
AFDC

2 Completion and Evaluation of the Applicant's Statement of Facts

Prior to authorization for immediate assistance, the Statement of Facts shall be completed. When such form is completed, the county shall immediately review it, and if necessary, clarify with the applicant any questions there may be regarding it.

- .21 If the Statement of Facts is completed and clarified to the satisfaction of the county and if it is consistent with all other evidence the county is able to obtain,

the applicant shall

be required to sign a sworn statement under the penalty of perjury that he needs assistance immediately.

- .3 (Has been repealed per Manual Letter No. 77-1)

APSB
AFDC

4 Authorization of Aid on Immediate Need Basis

Statement of Facts

- .41 If it is determined from the facts stated on Statement of Facts and any supplementary facts the county has or can secure that the applicant is in immediate need and there is no evidence to the contrary, immediate assistance shall be granted. In such case, the statement "immediate need" is recorded

Sections 44-317.7 and 47-817.7

on the authorization document. (See Statement of Facts regarding beginning date of aid when immediate need exists.) Only one grant of immediate assistance per case may be paid in any 30-day period.

AFDC

- .42 When the existence of immediate need is established, the county shall pay the maximum amount to which the applicant would be otherwise eligible or \$100.00, whichever is less.

- .43 The amount of aid granted as immediate assistance shall be offset against the first public assistance grant.

- .44 When aid is paid on the basis of immediate need, the county shall verify the applicant's eligibility within five working days of the date of payment.

- .441 If the eligibility verification process is not completed within five working days, the county will bear the entire cost of the nonfederal portion of the partial payment made under this section.

- .442 If the eligibility verification process is completed within five working days and the applicant is found to be ineligible, the cost of the nonfederal portion of the partial payment made under this section will be shared by state and county.

- .45 has been deleted

AFDC
APSB

5 Action Following Completion of Determination of Eligibility

Upon completing the determination of eligibility, the county shall authorize or deny continuing aid and make appropriate grant and claiming adjustments as outlined in MPP Section 25-520.3.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

AFDC

APSB

.2 Inability of Applicant to Participate in Interview

When the applicant's appropriate Statement of Facts is to be completed on his/her behalf by a guardian, conservator, or other person as provided in Section 40-128, the application interview must be with such guardian, conservator, or other person and also with the applicant unless the applicant is _____ unable to participate because _____
or is a child in foster care.

of his/her physical or mental condition/ The applicant's inability to participate in the interview must be determined by the county through personal contact with the applicant. Such personal contact is required before aid is authorized.

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(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40 181

AFDC
APSB

.1 General County Responsibility

- .11 The county paying aid is responsible for continuing to determine eligibility to insure payment only to eligible recipients in the correct amount, to assist recipients to meet their financial and service needs as fully as possible, and to make maximum use of their resources and capacities. For

continuing APSB cases, eligibility is established per the
APSB 201 at time of application and then reestablished per the APSB 201 at
one year intervals. For continuing AFDC-FG or U cases, eligibility is
established per the CA 2 at time of application and then at one
year intervals, and also per the CA-7 (i.e., monthly AFDC
Eligibility and Income Report, which is submitted monthly.

For continuing AFDC-BHI cases eligibility
is established per the CA 2 at time of application and then
reestablished per the CA 2 at six-month intervals (See Section 40-181.21).

However, determinations may be made more frequently than normally required
if unexpected changes in income, property or other circumstances occur
which affect the eligibility or grant level of the recipient.

- .12 Determinations made at more frequent intervals than are normally required shall not interfere with the prompt payment of aid unless there are reasonable grounds to suspect that a change has occurred which may result in ineligibility or overpayment which could not be adjusted within the adjustment period.

- .13 Aid shall not be discontinued nor a warrant cancelled without compliance with Section 22-022.

- .14 In eligibility redetermination, aid shall not be discontinued due solely to
circumstances beyond the control of the recipient which prevent the return
of the APSB 201, CA 2 or CA 7.

- .15 The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.

- .16 Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect ^{the} recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing counties when annual redeterminations per the APSB 201 or CA 2 are due.

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AFDC
APSB

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

AFDC .2 Periodic Determination of Eligibility

APSB .21 A determination of all circumstances of the recipient subject APSB, AFDC-FG and AFDC-U cases.

to change shall be made at least once every twelve (12) months for/

In this regard the applicant/recipient is required to complete the appropriate Statement of Facts at time of application and at least

once every 12 months after determination of eligibility.

At the time of annual redetermination and completion of the

appropriate Statement of Facts, each recipient will either be

given or mailed such information material as may be required by

DBP.

AFDC

A redetermination must be completed at least every six months for each

AFDC-BHI case

Brochures describing benefits available under the Child Health Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview (see Section 40-181.311). Provision of CHDP informational material shall be documented by notation upon the CA 2 form.

APSB

.211 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The next due date for completion of the Statement of Facts will be fixed in relation to this

AFDC

decision. In no event shall the decision on the completed Statement of Facts be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.

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(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

.212 If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility before the next Statement of Facts is due, the county shall decide whether a Statement of Facts shall be completed. If the county decides it is necessary that the Statement of Facts be completed before the scheduled redetermination date, the next due date is adjusted accordingly.

AFDC

.22 AFDC recipients other than AFDC-BHI must, in addition to the annual completion of the CA 2, complete the CA 7 on a monthly basis. The CA 7 must be completed and returned to the CWD by the 5th of each month but not before the first of the month. If the recipient fails to return the completed CA 7 within this period, a personal meeting at the CWD will be required by the 10th of the month to determine the current eligibility status. If the recipient does not appear for the personal meeting by the 10th of the month to redetermine his/her current eligibility status, the county shall notify the recipient pursuant to Section 22-022.1 that aid shall be discontinued. However, if prior to the end of the month in which the CA-7 was due the recipient provides the county with the completed CA-7,

the discontinuance action will be rescinded. (Also see Sections 40-105 and 44-103.21).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY
(Continued)

40-181

APSB .3 Methods of Periodic Determination of Eligibility
AFDC

.31 Regulations governing the method of the initial determination also govern all continuing and periodic determinations. (See Sections 40-157 and 40-161.)

AFDC .311 Annual redeterminations, using the CA 2 form, shall include an interview with the parent or person responsible for the child. Where the parent is institutionalized,
the interview should be conducted with the person having respon-
sibility for care and control of the child.

.312 Monthly redeterminations using the CA 7 form, or special nonscheduled investigations conducted by the county, may include an interview with the parent or person responsible for the child.

APSB .32 The recipient's statements or the statements of his guardian or any other person acting for /
AFDC him/her and
APSB 201 or the CA 2 and CA 7(s),
completing the , together with information obtained from all other sources, shall
be assessed in the light of facts previously known and in relation to potentials for change in eligibility
status or amount of grant.

.4 Determination of Eligibility During Absence From the State, County, or Country

.41 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapters 42-400 and 47-300.

.42 When a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the appropriate Statement of Facts shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed APSB 201 or CA 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.

.43 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.

.44 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-183 INTRAPROGRAM STATUS CHANGE

40-183

Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

AFDC
APSB

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program, and changes between AFDC-FG and AFDC-BHI, or AFDC-U and AFDC-BHI. (See Sections 40-183.5 and 44-317.6.)

40-187 INTERCOUNTY TRANSFERS--GENERAL (Continued)

40-187

.2 Responsibility for Payment of Aid and for Medical Assistance when Recipient Moves from One County to Another to Make His/Her Home.

There shall be no interruption or overlapping in payment of aid and provision of medical assistance as the result of a recipient moving from one county to another to make his/her home. The first county is responsible for continuing payment of aid and provision of medical assistance until the "transfer period," as defined in Section 40-187.15 above expires, at which time the county in which the recipient is making his/her home becomes responsible.

Intraprogram status change, as provided in Section 40-183, does not alter the "transfer period," nor does it constitute a discontinuance for cause. Therefore, if the intraprogram status change occurs before the expiration of the transfer period, the first county's responsibility for a cash grant or for medical assistance only continues until the end of the transfer period.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-187 INTERCOUNTY TRANSFERS--GENERAL (Continued)

40-187

AFDC.21 Exceptions to Inter-County Transfer Rule

.211 Where the first county places the child in a foster home in a second county, the first county retains responsibility for payment of aid (see Section 40-125.8).

.212 Where an AFDC child moves intercounty to the home of his/her parent or relative who is receiving AFDC-FG or-U from the second county and the parent or relative requests continued AFDC for that child, or where the parent or relative applies for AFDC for that or that child child/and other children, the first county's responsibility for payment of AFDC during the transfer period is limited to aid for that child. The first county's liability is to be computed as follows:

a. If the FBU consists of only the transferred child parent(s) and the / or relative caretaker, the first county is responsible for the entire AFDC aid payment.

EXAMPLE

A child receiving AFDC-BHI from County A moves from County A to live with his mother, who is residing in County B. The mother applies for AFDC for the child.

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(Pursuant to Government Code Section 11380.1)

40-187 INTERCOUNTY TRANSFERS - GENERAL (Continued)

40-187

There are no other children in the home. County A is responsible for payment of AFDC for a two-person FBU (i.e., mother and child) during the transfer period.

- b. If the FBU consists of the transferred child, the parent(s) or relative caretaker, and other AFDC eligible children, the first county's financial responsibility is limited to the difference between the AFDC aid payment computed including, and then excluding, the transferred child.

EXAMPLE

A child receiving AFDC from County A moves to County B to live with his mother, who is receiving AFDC from County B for her three other children. The mother requests aid for the transferred child. County A is responsible for payment of AFDC for the transferred child for the duration of the transferred period.

This is calculated as \$54:

Maximum Aid (five persons) \$433

Maximum Aid (four persons) 379

Difference \$ 54

- .213 The second county may arrange for transfer of responsibility for the child with the first county prior to the end of the transfer period pursuant to Section 40-189.128.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME"

40-189

APSB
AFDC

.1 Definitions

.11 Recipient

A recipient, as used in this section, includes a cash grant recipient or a person certified as medically needy under the same program.

.12 County in which Recipient Makes His Home

A recipient (child in AFDC) is generally considered to "make / home" in the county in which / is physically present except in the following circumstances:

.121 The recipient who is maintaining a living place (or the AFDC child for whom a home is being maintained) in some county other than that in which / is physically present and who plans to return to that living place within four months is considered to "make / home" in the county in which such living place or home is maintained.

The four-month period starts to run from the date the county paying aid determines that the recipient is "maintaining a home" in some county other than that in which / is physically present. If the recipient fails to return to that home within the four-month period, / is considered to have moved to the county in which / is physically present to "make / home."

AFDC

In AFDC, for the recipient farm labor family which goes to another county to work, the four-months' limitation does not apply when a home base is maintained to which the family will return when not working. The county paying aid and in which the home base is located continues to be responsible until the family establishes a home base in another county.

.122 In AFDC-BHI, a child living in a boarding home or institution as a result of placement by an agency of another county as provided in Section 40-125.8 is considered to "make / home" in the county in which the placement agency is located.

AFDC

APSB

.123 The recipient who is admitted to a public or private institution (Section 42-503) for inpatient care is considered to "make / home" in the county responsible for payment of aid to / at the time / was admitted to that institution. A recipient released from inpatient status in an institution other than a state hospital shall have / residence determined in the same manner as for any other person.

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(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued) 40-189

APSB

- .127 In APSB if the blind person is a minor, the "county where the blind person lives" is the county where the person providing a home (i.e., parent, relative or person acting in place of a parent) lives.

APSB |

AFDC |

- .128 A person who, pursuant to one of the foregoing exceptions, would be considered to "make her home" in a county other than the one in which he/she is physically present, may, by mutual agreement of the county in which he/she is physically present, be considered to make his/home in the county where he/she physically resides. In this case the county accepting responsibility for payment of aid to the recipient (second county) must inform the county currently responsible for the payment of aid (first county) of its intent to accept responsibility for the recipient, and the second county must arrange a date of transfer with the first county. Though there is no 60-day intercounty transfer period in this instance, the first county is nonetheless responsible for providing the second county with all documents normally forwarded for an intercounty transfer (see Section 40-195).

AFDC

APSB

.2 Initiation of Intercounty Transfer

Intercounty transfer is initiated immediately:

- .21 When the county receives confirmation that the recipient has moved her his/permanent residence or his/legal guardian has moved the recipient's permanent residence to another California county.

AFDC |

- .22 When responsibility for a child who has been placed in a boarding home or institution by a public or private agency is transferred from an agency in one county to an agency in another county.

- .23 When court jurisdiction of an AFDC-BHI child is accepted by a court that is located in another county (see Section 40-125.82).

- .24 When a child receiving AFDC in the home of a relative or in foster care in one county is moved to the home of his/parent(s) or relative(s) in another county and these parent(s) or relative(s) are requesting continued aid on his/her behalf. (See Section 40-187.212)

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

40-191 DISCONTINUANCE DURING TRANSFER PERIOD

40-191

AFDC
APSB

.1 County Responsibility

Responsibility of the first county ceases when payment of aid is discontinued for cause during the transfer period; however, the first county shall restore aid and continue payment for the balance of the transfer period where the county discontinued aid when it should not have.

.2 Recipient Responsibility

Where aid is discontinued for cause during the transfer period, and the recipient does not appeal the discontinuance through the fair hearing process but wishes to reapply due to a change in his/her circumstances, /she he/must reapply for aid with the county in which he/she currently resides.

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(Pursuant to Government Code Section 11380.1)

40-193 GRANT REDUCED DURING TRANSFER PERIOD

40-193

AFDC
APSB

When the grant authorization is reduced in amount to adjust overpayment in the adjustment period (see section regarding Adjustment Period) and the normal effective date for increasing the authorization and resuming payment is prior to the expiration of the transfer period, the first county completes the adjustment and continues payment for the balance of the transfer period. (If the adjustment cannot be completed by the first county prior to the expiration of the transfer period, the second county may be that any remaining part of the adjustment is to be completed by the second county).

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(Pursuant to Government Code Section 11380.1)

AFDC

40-195 TRANSFER PROCEDURE

40 195

AFSB.1 Transfer of Records

At the time the transfer is initiated or within two weeks thereafter, the first county shall provide the second county with copies of the most recent CA 1, the most recent AFSB 201 or CA 2, and the CA 7 s from the prior two months, information regarding reserve available for supplementation pursuant to EAS 44-315.8, and other pertinent information and all documents supporting the eligibility determination made by the first county. For AFDC-BHI cases, also documents to be provided by the first county to the second county include the initial court order (for court-ordered placements) or the placement agreement (for voluntary placements).

The second (or third) county shall accept the determination of eligibility as made by the first county as provided in Section 40-159.1 and shall limit its determination of eligibility to circumstances which may have changed, or to new information inconsistent with prior case data.

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(Pursuant to Government Code Section 11380.1)

40-195 TRANSFER PROCEDURE (Continued)

40-195

212 With the ABCDM 215, or within two weeks after this form is sent, supply the second county with the following additional material:

- a. Copies of documents and information as required in Section 40-195.1 above.
- b. A summary of pertinent medical and social information including a statement of services needed by the recipient and services currently being given the recipient by the first county and a copy of the social assessment if one has been completed.
- c. When the recipient has received aid previously from the second or third county, copies of documents or material already in the possession of such second or third county, or documents which are not needed to substantiate current and continuing eligibility would not be duplicated and sent to them again.

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(Pursuant to Government Code Section 11380.1)

40-197 DISPUTE REGARDING COUNTY RESPONSIBILITY

40-197

AFDC
APSB.1 Referring Dispute to State Department of Benefit Payments

When a county wishes to refer a dispute to the State Department of Benefit Payments, Form DPA 6, Appeals as to Responsibility for Support, signed by the director of the county is sent in triplicate to DBP. The county also sends copies of documents, correspondence, etc., which are pertinent to a determination of county responsibility and a summary of its contention in the dispute. The decision of DBP shall be final. When responsibility for payment is found to be in a county other than that paying aid, intercounty transfer shall be initiated. DBP will make any claim adjustments which are indicated based on a determination of county responsibility.

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(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT
(Continued)

42-207

AFDC .6 Personal Property Reserve Limitation

The net market value of personal property not excluded elsewhere
(FG or U) or by each AFDC-BHI child
in this chapter owned by an AFDC/family/ shall not exceed \$1,600

of which no more than \$600 shall be cash and securities. If either
limit is exceeded, ineligibility results.

(See Section 42-211.2

for personal property to be included and Section 42-215 for value
determination.)

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY
WHICH MAY BE RETAINED (Continued)

42-213

AFDC .13 The following items are to be excluded in evaluating real property:
(Continued)

.138 The separate and community shares of real property of the absent
parent if ~~which are not actually~~ unavailable to the AFDC family or child (i.e.,
the family or child does not have possession or control of the
the property available
property so that / may be used to meet current needs). Such/
property is to be excluded in cases where the child is living
/her
apart from his/parent or parents. The exclusion applies to a
/her
child in foster care regardless of whether his/parents are
maintaining a home together.

An availability determination of the separate and community
shares of real property of an absent parent must be made by the
county as part of the initial eligibility determination. After
the initial eligibility determination,
the county only needs to make another availability determination
when the county receives information that there has been^a change.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED (Continued)

42-213

AFDC .23 Applicable to AFDC Only (Continued)

- c. The personal property belonging to the absent parent and not actually / available to the family or child in foster care if the property is held by or in the name of the absent parent or is held even in the name of the family member(s) or child in foster care and the family or child in foster care does not have access to it to meet current needs. However, an availability determination for such property must be made by the county as part of the initial eligibility determination or as is warranted by change in circumstances. (See Section 42-213.138 above.)

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT

44-213

AFDC | .1 General Provisions

.11 To be eligible for AFDC, a child who is not in foster care must be living with at least one of the her relatives specified in Section 44-213.21 in a place of residence maintained as his/or their home.

.111 A foster care child cannot be included in an AFDC-FG Family Budget Unit.

.112 To be eligible for AFDC-BHI a child must be receiving care from her a person other than his/parent or relative as defined in Section 44-213.21.

.12 The amount of aid for AFDC family groups shall be computed in accordance with Section 44-212 for the number of persons included in the Family Budget Unit (see Section 44-213.3 and 44-213.4).

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

44-221 MINIMUM NEED -- CHILD IN FOSTER CARE

44-221

AFDC When a child is living in foster care, his or her minimum need is the boarding home or private institution rate established _____ in accordance with Section 11-225.

For other requirements relating to payments and services for children in foster care, see Sections 44-267 (Special Needs), 44-305, 44-315.5 and .6 (Aid Payments), 44-323 (Eligibility); and 30-200 (Services).

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-301 MONEY PAYMENT PRINCIPLE

44-301

AFDC

Each individual or family has the right to manage his ^{/her} own affairs; to decide what use of his ^{/her} money, including the aid payment, will best serve his ^{/her} interests; and to make his ^{/her} purchases through the normal channels of exchange. ^{/her} enjoy the same rights and ^{his/her} discharge responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307); when authorized sanctions are applied where a person fails without good cause _____ to cooperate in an established WIN Program (see Section 42-691); when protective payments are made in non-cooperation child support cases (see Section 43-106 and 43-107.1); or when directed by the Services System to make payments to a protective payee or to a vendor or vendors (see Section 44-307).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

DO NOT WRITE IN THIS SPACE

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-303 AID PAYMENTS - DEFINED

44-303

Aid payments are:

AFDC

- .1 Money payments, i.e., payments delivered unconditionally to the recipient or family or to the legally appointed guardian or conservator of the recipient's estate, with no state or county control of the use of the payments.

When a staff person in the county welfare department or in the State Department of Benefit Payments serves as a substitute payee or as a court appointed guardian or conservator for the recipient, as provided in

Sections 40-107.2 and 30-222.6, ^{her}his determinations regarding utilization of the aid payments on behalf of the recipient do not constitute "state or county control" within the meaning of this section. However, care shall be taken to leave _____ the recipient as much control over the use of the payment as possible and consistent with conditions.

or

- .2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient or family - see Section 44-307.6.

or

- .3 Vendor payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable:

- .31 In all aids, for payments on home repairs under special shelter payment provisions (see Section 45-109.21);

AFDC

- .32 In AFDC, for use in money management problem cases (see Section 44-307); and

- .33 In WIN sanction cases (see Section 42-691).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY

44-305

APSB

.1

To Whom Paid and Delivered

.11 (Repealed Manual Letter 77-1)

AFDC

.12 Child Living with Parent or Relative

.121 If a child is living with a parent or relative, the warrant shall be paid only to the parent or relative unless such parent or relative has a legally appointed guardian or conservator or there is a substitute payee or there is a vendor designated to receive payment (see Section 44-307). In such cases, the warrant is to be paid to the guardian, conservator, substitute payee or vendor.

.122

HAS BEEN DELETED

.123 The warrant is to be delivered only to the payee or otherwise according to the payee's instructions. If there is an emergency, the warrant may be delivered to a person acting temporarily for the parent or relative payee. (See Section 25-530.2)

.13 Child in Foster Home or Institution

If a child is living in a foster home or a private child care institution, payment may be made to (1) the foster home, (2) the private child care institution, (3) the probation officer or (4) a cooperating public or private child placement or child care agency if licensed where required, and by the Department of Health, / If the child is under the care of such agency. Federal participation is available when payments made in behalf of children who meet the requirements of Section 44-323.12 are made to any of the above payees with the exception of a child in an unlicensed and/or approved foster home, a child in a licensed profit-making institution, or a child in a licensed profit-making private child placement or child care agency.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AFDC .131 Foster Care Child in Unlicensed Home

- a. If the county agrees pursuant to Section 44-323.115 to the
placement of a foster care child in a home which requires a/
applied authorized
for such license, AFDC may be / in accordance with
Sections 44-323 and 44-317.12 but may not be paid until the
foster family home makes application for a license. Aid
payments may be made during such time as the licensing study
is in progress, provided the child is otherwise eligible and
the Services System establishes that continuation of the place-
ment during the licensing study is not contrary to the best
interests of the child (See Section 30-209.1). This
provision applies:
- (1) To the child for whom application is made;
 - (2) To the child receiving aid who is moved to a different
home; and
 - (3) To the child receiving aid who at time^{of}/reinvestigation
is found to be living in a currently unlicensed home.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AFDC .131 Continued

b. If an AFDC-BHI-eligible child is living in the home of his/her legal guardian or is committed by the court to the care, custody and control of some reputable person of good moral character who consents to such commitment, or to some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation,^{then}AFDC may be granted in accordance with Section 44-317.12, but may not be paid until the Social Services System, in accordance with Sections 30-206 and 30-209, has determined that the home or facility meets the physical, social and psychological needs of the child.
Upon finding by the Services System that these needs of the child are not met:

- (1) Protective Services as provided by^{MPP}Chapter 30-100 will apply to the child or
- (2) In the case of a child committed by the court, the county shall notify the court that the child should be moved to a home meeting these needs.

c. Foster care payments shall not be made^{for a child placed in}a private child care institution unless and until the institution is licensed.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AFDC .132 Child temporarily absent from Foster Home or Institution

If an eligible child aged 16 through 20 is temporarily absent from a foster home or institution in order to attend a college, vocational, or work and training institution to implement a social services plan, payment may continue to be made to meet the child's needs as indicated in Section 44-305.13. When none of the above payees is feasible and the social services system has determined that the child is sufficiently mature and responsible, the child may be his/her own payee when necessary to implement the social services plan.

AFDC-BHI

If an eligible child is temporarily absent from the foster home (e.g., emergency or institution/for hospitalization, visiting, vacationing, / circumstances), payment may continue to be made to meet the child's needs as indicated in Section 44-305.13. (See Section 44-213.112 and 42-505.222 regarding payment limitations for a child confined to a public hospital.)

.133 Child Moves from Foster Care Home or Institution

If an eligible child permanently leaves or is removed from a boarding home or institution, payment is made through the end of the day he/she leaves the home or institution.

Where the child's move from the boarding home or institution is to what the placement agency considers to be^a potentially unstable living arrangement and the boarding home or institution has agreed to take the child back immediately upon notice from the placement agency, an additional payment amount may be authorized.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

Such additional amount shall not exceed the monthly rate set for the boarding home or institution, nor shall payment extend beyond the end of the month in which the child moves from such boarding home or institution. The additional amount may be authorized, whether or not the child actually returns to the foster home or institution.

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(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44 305

- .24 AFDC payments for foster care of children shall be delivered in one amount not later than the 15th of the month following the furnishing of care. Exceptions: See Section 44-305.131 a. and b..

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(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .7 Required Reporting of All Changes Affecting Eligibility and Grant Determination

.71 All recipients are required to promptly report to the county any changes in eligibility or grant determination factors.

.72 Additionally, prior to the end of each budget period the county shall request updated information from recipient families concerning all changes affecting eligibility and grant in that budget period or expected changes in subsequent budget periods. For all AFDC recipients except AFDC-BHI, such information shall be reported on the CA 7. If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22, then the recipient's grant will be terminated in accordance with Section 22-022. Though the CA-7

is not applicable to AFDC-BHI, every effort should be made by the county to insure that foster parents and children are aware of the necessity to report any change in need or income for the child.

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.93 The supplement in .8 above has already been exhausted.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-317 BEGINNING DATE OF AID (Continued)

44-317

AFDC .6 Intraprogram Status ChangesAPSB .61 Transfer From Medically Needy to Cash Grant Recipient

The cash grant is paid from the first of the month in which the status change is requested or otherwise indicated but not prior to date eligibility requirements are met.

.611 Medical Assistance Classification Changes Because of Discharge From Hospital or Nursing Home

Aid is paid for the full month of discharge in the amount required to meet his ^{/her} needs under the appropriate categorical aid standard outside the medical facility.

AFDC .62 Transfers Between AFDC (FG or U) and AFDC-BHI.

.621 Where a child in BHI becomes part of an FBU, the effective date of change is the date he/she is placed in his/her relative's home. For exception, see ^{Section} 44-213.222, which provides for granting assistance to the relative prior to the child's arrival in the relative's home from foster care placement.

.622 When a child in a FBU is moved to foster care, the effective date of AFDC-BHI assistance is the date he/she is placed in a foster home or private child care institution.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE

44-323

AFDC .1 Eligibility.11 General Eligibility for Foster Care Payments.111 A child placed in accordance with a servicesdetermination of the need for foster care and for whoman application for AFDC-BHI is made, meets thedeprivation criteria of Section 41-401.1.

However, to be eligible for AFDC-BHI, the child must also
meet all other AFDC eligibility requirements applicable
to a child in a foster care setting, including the following:

a. The residence requirements of Section 42-400 and 42-425.

b. The age requirements of Section 42-101.

c. The property requirements for AFDC contained in
Chapter 42-200.

d. The cost of foster care must be greater than nonexempt
net income as determined under Chapter 44-100.

e. The institutional status requirements of Chapter 42-500.

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

.115 The child, if relinquished by one or both parents, may be placed by a public or private child placing agency and shall be considered deprived if he/she meets the conditions of Section 41-410.

.116 A plan must be developed for the child pursuant to Section 30-206 and the placement of such child reviewed pursuant to Section 209.2 30- / . A specific statement that a plan is in existence must be or other agency providing services obtained by the EW from the Social Service System/and placed in the Eligibility case file at six month intervals for continuing cases. This applies regardless of who makes the placement.

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC.12 Federal Participation in Foster Care Payments

.121 A child who is otherwise eligible under .11 above must meet all the following additional eligibility criteria to qualify for federal participation in his/^{her} AFDC-BHI grant:

a. The child must be removed from his/^{her} home after April 30, 1961, pursuant to any judicial determination that results in his/^{her} placement in foster care where, in the month during which the court proceedings were initiated, the child:

(1) ^{eligible to and -FG or AFDC-U} Was/receiving AFDC/^{which} qualified for federal participation, or

(2) Was living with and was removed from the home of a relative

specified in Section 44-213.21 (a., b., or c.) and would

have been eligible to receive AFDC/^{which} qualified for federal participation if an application had been made while living with that relative, or

(3) Had been living with a relative specified in Section

44-213.21 (a., b., or c.) within ^{any of} the six months prior to the month of initiation of court proceedings, and the child would have

been eligible to receive AFDC/^{which} qualified for federal participation in or for such month in which court proceedings were initiated had the child still been

living with (and removed from the home of) such relative, and

had application been made for AFDC. There can be federal

participation in the child's grant only if the child would

have met all conditions of AFDC eligibility as a resident in

^{her} his/relative's home.

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

b. The court order designates the county welfare department as responsible for placement, care and supervision of the child, or, the court order designates the probation office as responsible for placement, care and supervision and there is written agreement between the county welfare department and the probation office (See Section 29-405) that these services will be performed by the probation office.

c. The child must be residing in either a private home/ approved which is licensed or in a State-licensed by the Services System or/ nonprofit private institution.

d. specifying the need and appropriateness of care A plan/must be developed for the child by the Social Services System pursuant to Section 30-206 and the placement of the child reviewed pursuant to Section 30-209.2 Such review must take place at least every six months.

e. Federal Financial participation is available in an AFDC-BHI payment only where the payment is to be made to an individual providing care in either:

(1) A foster family home, or

(2) A private nonprofit child care institution, or

(3) A cooperating public or nonprofit private child placement agency, or

(4) A cooperating public or nonprofit private child care agency.

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

.122 Once a child has been removed from his/^{her}home pursuant to
judicial determination, subsequent change in placement

do not affect federal eligibility if
the subsequent placement is made in accordance with the
original court order and during the month in which court proceedings
were initiated the child met the federal eligibility criteria specified
in Section 44-323.121 above.

.123 Where an Indian tribal court has jurisdiction over civil
actions on an Indian Reservation, its judicial determination
to place a child under its jurisdiction in foster care shall
be utilized in determining whether the child meets the
requirements in 44-323.121 above.

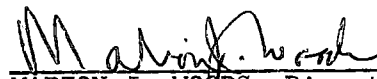
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(Pursuant to Government Code Section 11380.1)

The regulation changes do not increase costs of state of local government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814

February 3, 1977

76-128

FILED 
In the office of the Secretary of State
of the State of California

FEB 4 - 1977
At 2:27 o'clock P. M.
MARCH FONG EU, Secretary of State
By Rhea DeLoach
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 8, 1976 concerning FFP for Parents Receiving UIB, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

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FEB - 4 1977

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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FEB - 7 1977
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
FEB - 7 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: February 7, 1977
By: *Malcolm Wood*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
FEB 8 - 1977
At 2:49 o'clock P.M.
MARCH FONG EU, Secretary of State
Meirice R. Kershberger
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 44-115.71

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(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

.7 Nonneedy Relatives

AFDC

.71 Evaluation of Income In Kind from Nonneedy Relatives

Income in kind will only be considered if the nonneedy relative chooses to make a voluntary contribution to the FBU. The county shall determine if the nonneedy relative wishes to contribute income in kind to the support of the child(ren) in his/her care. He/she may do so by specifying the exact dollar value of the contribution. Any amount that is so specified, and is actually received, shall be considered net income to the AFDC child(ren).

Natural or adoptive parents, stepfathers of AFDC children whose natural parent is in the home, or any other adult whose needs are met through APSB, AFDC, EVH, SSI/SSP or In-Home Care programs shall not be considered to be nonneedy relatives for purposes of this section and no income in kind may be considered.


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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

This regulation will result in no administrative, program or support costs.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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APPROVED FOR FILING
(Gov. Code 11380.2)

FEB - 7 1977

Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: February 7, 1977

By: *Walter J. Frazee*

Director

(Title)

FILED

To the office of the Secretary of State
of the State of California

FEB 8 - 1977

At 2:49 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Mary Jane R. Herschberger*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections: 69-201
69-203.1
69-205.41
69-209.1
69-219

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

69-200 INDOCHINESE REFUGEE ASSISTANCE PROGRAM

69-200

69-201 GENERAL STATEMENT

69-201

as amended by P.L. 94-313.

The Indochina Migration and Refugee Assistance Act of 1975 (P.L. 94-23) and Special Appropriations for Assistance to Refugees from Laos, Cambodia and Vietnam (P.L. 94-23), as amended by Foreign Assistance Appropriation Act (P.L. 94-330), provide for financial assistance, medical assistance and social service to Vietnamese, Cambodian and Laotian refugees in the United States. The Laotian Refugees became eligible for inclusion in this program as of July 1, 1976.

An agreement has been entered into by the Department of Health, Education, and Welfare and the State Departments of Benefit Payments (SDBP) and Health (SDOH). The State Departments will direct the administration of the Indochinese Refugee Assistance Program according to the terms of the agreement as long as federal funds are available for 100 percent reimbursement.

County Welfare Departments shall, upon notification from DBP that all allocated funds have been disbursed, determine the eligibility of recipients in the Indochinese Assistance Program for AFDC or other aid programs.

County Welfare Departments will administer these programs according to Federal policy under the direction of the State Department of Benefit Payments for financial assistance and the State Department of Health for medical assistance and social services.

The following regulations shall be followed in implementing the program for financial assistance.

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(Pursuant to Government Code Section 11380.1)

69-203 DEFINITIONS

69-203

- .1 For the purpose of the refugee assistance program, a refugee is defined as: An alien who has fled from and Laos,

cannot return to Cambodia or Vietnam because of persecution or fear of persecution on account of race, religion, or political opinion and has been paroled into the United States by the Immigration and Naturalization Service (INS) as a refugee or has been granted voluntary departure by the INS as a refugee. (Parole is granted only prior to or at entry into the U.S. Voluntary departure is granted only when a refugee has entered as a nonimmigrant or entered without inspection.)

or Laotian

Alien is defined as: A Vietnamese, Cambodian/or a third country national, who fled from Vietnam,

or Laos

Cambodia to the United States in accordance with the above.

and Laotian

- .11 The above definition of "alien" includes Vietnamese, Cambodian/nationals who were present in the United States for work, study, visit or any other purpose at the time of the evacuation of those countries and who now meet the definition of a refugee.
- .12 Excluded from this definition of a refugee are those persons who are (1) actually dependent upon a repatriated United States citizen and (2) who meet one of the following categories of relationship with such citizen: Spouse, parents, grandparents, unmarried minor (under 18 years), children including adopted children and stepchildren, unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren, spouse's parents, spouse's grandparents and minor siblings of the repatriate and spouse. Repatriated United States citizens and their dependents as defined above are included in the Repatriate program. (See MPP Division 68.)
- .121 Following the first 90 days after their arrival in the United States, those dependents of repatriated United States citizens who qualify as refugees are eligible to apply under the refugee assistance program.

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(Pursuant to Government Code Section 11380.1)

69-205 ELIGIBILITY (Continued)

69-205

.4 Income and Resources

Income and resources shall be considered on the same basis as in the AFDC program for determining need and computing the assistance grant.

- .41 No financial resources which are in fact not available to the refugee, including resources remaining in or Laos Vietnam, Cambodia/owned by a refugee or a responsible relative, shall be considered in determining eligibility for financial assistance.

DO NOT WRITE IN THIS SPACE

69-209

AID PAYMENTS

69-209

Financial assistance to all types of refugee cases, regardless of family composition, shall be based on the maximum aid payment for AFDC. (See 44-315.)

- .1 Refugees will be eligible for recurring special needs allowances up to the MBSAC, using the same requirements for eligibility as stated in Section 44-265.2. Eligibility for nonrecurring special needs exists subject to Section 44-265.12, .13, .14 and .3 but may be paid only for loss which has occurred subsequent to April 8, 1975, or their arrival in the state, whichever is later. Assistance for nonrecurring special needs is not to replace items of property which were left in Vietnam, Cambodia or Laos.

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(Pursuant to Government Code Section 11380.1)

69-219 CLAIMING AND REIMBURSEMENT

69-219

- .1 The Federal legislation provides for 100 percent reimbursement for assistance payments and administrative costs as long as funds are available (Public Law 94-24 as amended by Public Law 94-330). Claiming instructions will be issued in the Fiscal Manual, Division 25. In the interim, instructions issued by letter should be followed.

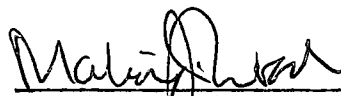
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(Pursuant to Government Code Section 11380.1)

There are no administrative costs, program costs or state support costs in this regulation since the program is 100% federally funded.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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MAR 1 1977
Office of Administrative Hearings

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APPROVED BY
OFFICE OF ADMINISTRATIVE HEARINGS
Office of Administrative Hearings

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: February 15, 1977
By: *Marilyn Wood*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
MAR 1 - 1977
At 1:42 o'clock P.M.
MARCH FONG EU, Secretary of State
By: *Marjorie R. Herschberger*
Deputy Secretary of State
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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

- AMEND: Section 44-111.3k
46-315.1
47-711.28

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Chapter 1060, Statutes of 1976, became effective on September 30, 1976. The statute provides for a special tax credit payment to renters aged 62 years or older.
2. These regulations provide that the payment be treated not as income but as personal property reserve.
3. Adoption by the non-emergency procedures of the Government Code would not permit an early effective date and would adversely affect applicants or recipients.

The regulations set forth above are adopted as emergency measures to become effective on April 1, 1977.

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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
 (Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

AFDC k. Both renter's credit payments and the special tax credit for renters
62 years and older are considered personal
 property resources rather than income since they are refunds.
 (See Section 42-211.2, Property Included in Personal Property
Reserve Limitation.)
Eligible renters may receive renter's credit payments and special
tax credit payments from the California Franchise Tax Board.

46-315 PAYMENTS EXCLUDED OR DISREGARDED IN CONSIDERING INCOME

46-315

In determining the eligibility for and amount of the SSP, _____
 certain payments received or portions thereof will not be counted as income to
 the individual and eligible spouse.

.1 Income Exclusions

The following items will be excluded from consideration as income:

a. Refunds of Taxes

Refunds of taxes paid on real property, or purchased food received from any
 public agency, or renter's credit payments, or special tax credit payments
for renters 62 years and older.

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(Pursuant to Government Code Section 11380.1)

47-711 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 47-711

APSB .2 Exemption of Payments from Public Sources (Continued)

.28 Both renter's credit payments and the special tax credit payments for renters 62 years and older are considered personal property resources rather than income. (See Section 47-411.2, Property Included in Personal Property Reserve Limitations.)

Eligible renters may receive renter's credit payments and special tax credit payments from the California Franchise Tax Board.

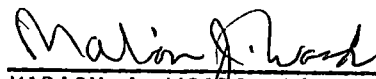
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(Pursuant to Government Code Section 11380.1)

This regulation change will not result in any increased administrative, program or support costs.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department Of Benefit Payments
Dated: March 1, 1977 (Agency)
By: *Mahin P. Wood*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
MAR 1 - 1977
At 1:42 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Margie R. Schaller*
Deputy Secretary of State

RECEIVED FOR FILING
MAR 1 1977
Office of Administrative Hearings
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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

- Amend Section: 46-325.311
46-325.32
- Adopt Section: 46-325.33
- Repeal Section: 46-325.33
46-325.34

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

46-325 Benefit Levels (Continued)

46-325

.31 "Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care, and designated supplementary services related to his individual needs. This type of care is nonmedical and includes care provided in facilities licensed to provide residential care.

.311 Homes or other facilities which provide personal care and supervision to which recipients may also be certified may be unlicensed if:

or legally appointed guardian or conservator.

- a. It is the home of a relative/A relative for purposes of this regulation is defined as a parent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first-cousin or any such person of the preceding generation denoted by the prefix "grand" or "great," or,
- b. It is a home in which a child has been placed by a court under W&I Code 727(a), or
- c. It is an "exclusive use home" approved by a licensed home finding agency, i.e., Children's Home Society.

NOTE: The Nonmedical Out-of-Home Care benefit level is not appropriate for a disabled minor recipient under 18 living with a parent or guardian or relative by blood or marriage (see Section 46-325.1), or for an individual living in his own home and receiving care from his spouse or for a blind child (under 18 or 18 to 21 and attending school or training full time) living in the home of a parent or guardian.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

46-325 Benefit Levels (Continued)

46-325

.32 Certification of Nonmedical Out-of-Home Care - Licensed Care Facility

The Social Security Administration (SSA) District Office will authorize out-of-home care benefit level upon verification that the recipient resides in a licensed facility.

.321 Each county will establish and maintain a method for informing the local SSA District Office(s) of currently licensed out-of-home care facilities. The method for providing SSA with licensing information must be reported to Adult Program Management Branch, DBP.

a. The county may provide SSA with a listing of licensed including address and license number, facilities/and update that listing on a regular basis, or

b. The county may provide SSA with the telephone number of a person or unit in the county responsible for verifying that a facility is licensed, or

c. The county may use a combination of a. and b. or any method mutually acceptable to the SSA District Office(s) and the CWD.

.322 The effective date of eligibility for the nonmedical out-of-home benefit level shall be the first of the month in which the recipient resides in/ the licensed care facility.

.33 Certification of Nonmedical Out-of-Home Care - Home or Facility

Authorized Under Section 46-325.311.

When a recipient residing in a home or facility authorized under Section 46-325.311, requests the nonmedical board and care benefit level the certification will proceed as follows:

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

46-325 Benefit Levels (Continued)

46-325

.331 The SSA District Office will send a request for certification of out-of-home care/on / to the CWD the prescribed

authorization form for new applicants or when a change in living
arrangements takes place.

- a. The county shall apply the criteria outlined in the Title XX,
Service Plan
/ for determining the need for out-of-home care, and will

verify that the appropriate care is being provided in that
living arrangement. When the county learns that a DOH

Regional Center or Continuing Care Services Section social worker
is providing services to the applicant or recipient, the county
may contact the DOH worker and base the certification upon that
worker's knowledge of the case.

- b. authorization form

The county shall complete the / within thirteen (13) working days. This "turn
around time" begins the date on which the county receives the authorization
form and ends the day the county forwards the completed form to the local SSA district office. The
county shall maintain controls to meet this time standard.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

46-325 BENEFIT LEVELS (Continued)

46-325

- .332 When the county determines that the out-of-home care benefit level is appropriate, the payment change will be effective the first of the month in which the county is asked (date of the authorization form) to certify the nonmedical out-of-home care living arrangement, unless the county has material evidence that the individual needed and was receiving care in the living arrangement continuously from an earlier date. The county will enter the effective date on the authorization form.
- .333 It is the recipient's responsibility to inform the local SSA District Office of any changes in living arrangement. The county shall assist the recipient in reporting such changes to the appropriate SSA District Office when the county becomes aware of such changes. The county shall not initiate the authorization form.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed on April 1, 1977, after its filing with the Secretary of State.

46-325.33 (Certifications by Other Agencies)

46-325.34 (County Responsibility)

There are no increased administrative, program or support costs contained in these regulations.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MARCH 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code Title 2)

Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: February 15, 1977

By:

Malin J. Wess

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MARCH 15/77 m

At 4:41 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margie R. Kershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 63-2410

DO NOT WRITE IN THIS SPACE

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2410 EXPIRATION OF THE CERTIFICATION PERIOD

63-2410

NA

Upon expiration of the/certification period, household eligibility is terminated. Further entitlement to food stamps cannot be established without application by the household, an interview, verification, and subsequent certification of household eligibility by the county welfare department.

PA cases which are assigned a fixed certification period will be required to complete the PA food stamp application process upon expiration of the predetermined certification period. If this does not occur, the food stamp case is overdue and pending, and should be reported as such on the DFA 296, Monthly Statistical Report (See Section 63-9431).

PA cases certified concurrently with the public assistance grant do not expire at a predetermined time. Such cases are not overdue and pending if the public assistance eligibility redetermination delays the food stamp redetermination. However, if the public assistance eligibility is redetermined and the food stamp budget is not recomputed for the month, then the case is overdue and pending and should be reported as such on the DFA 296, Monthly Statistical Report (See Section 63-9431).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are no increased county or state costs required by this regulation change.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



February 15, 1977

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 28, 1976, concerning Household Furnishings and Items, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marton J. Woods
MARTON J. WOODS, Director

FILED

In the office of the Secretary of State
of the State of California

MAR 1 - 1977

At 1:45 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mary Jo R. Scherberger
Deputy Secretary of State

RECEIVED FOR FILING

MAR 1 1977

Office of Administrative Hearings

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
MAR 6 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
1977
Office of Administrative Hearings

Department of Benefit Payments
(Agency)
Dated: February 15, 1977
By: *Malinda B. Cook*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California
MAR 3 - 1977
At 2:06 o'clock P.M.
MARCH FONG EU, Secretary of State
By: *Mary R. Kewhange*
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 3, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 63-8002

DO NOT WRITE IN THIS SPACE

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-8002 COUNTY OUTREACH RESPONSIBILITIES

63-8002

- .1 The county shall designate an employee to serve as outreach coordinator for the county. This person will be responsible for liaison with state outreach staff or their contracted agents. The county outreach coordinator shall meet with state outreach staff or their contracted agents at least once monthly to discuss outreach projects which will impact the county and to discuss any problems brought forth by state outreach staff or their contractd agents with regard to measures to ensure participation.
- .2 The county shall submit the DFA 433, Monthly Report on Food Stamp Outreach Program, to the State Outreach Coordinator on a monthly basis. The DFA 433 must be submitted on or before the twentieth day following the reporting month.
- .3 The county shall submit the DFA 434, Monthly Statistical Report on Food Stamp Denials and Special Information, the Program Information Bureau, DBP, on a monthly basis. The DFA 434 must be submitted on or before the twentieth day of the month following the reporting month.
- .4 The county shall ask new applicants if they have been prescreened by the State-contracted agent. If applicants answer affirmatively, then
the county shall ask them for the / ^{first three} copies of the FSOP-1 ,
Referral Form
Food Stamp Outreach / , that were given them by the State agent.
If the applicant fails to submit the forms, the county shall not delay
processing his or her application for this reason. If the applicant
does submit the forms, the county shall , upon completion of eligibility
determination, record the disposition of the application by checking the
Part III (Status of the Application) of the
appropriate box(es) in / "County Use Only" section, indicating whether
or and why denied, or
the application was approved, /denied/ withdrawn, cancelled,
the applicant already receiving food coupons
or/was / . The county shall then hold one copy of each
completed form for pickup on a monthly basis by the State-contracted
agent. The second copy of each form shall be sent to the State Outreach
by the 10th of each month;
Coordinator, DBP, on a monthly basis/ however, if this procedure is unduly
inconvenient for the county, both copies may be held for pickup by the
contracted agent. Where the county has more than one State-contracted
agent, each county district office shall provide the completed forms to
the agent designated for the district. The third copy of the form is for
county use.

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**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-8002 COUNTY OUTREACH RESPONSIBILITIES (Continued)

63-8002

.5 Counties may, at their option, undertake an ongoing program or perform periodic projects to inform low-income households of the availability and benefits of the Food Stamp Outreach Program. Should any county decide to assist in the outreach effort, the county outreach coordinator must inform state staff prior to implementation of such program or project to prevent duplication of effort.

.6 County outreach coordinators shall provide state staff or their contracted agents with a listing of all county Food Stamp Certification offices, including the addresses, days and hours of operation of such offices. Updates to such listing shall be provided to state staff or their contracted agents on a timely basis to ensure that current information is being disseminated.

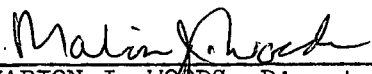
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The regulation changes have a minor cost impact on county administrative costs which will be borne by the State pursuant to Welfare and Institutions Code Section 18906.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

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DL4542

6-52

FORM 400

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
 MAR 10 1977
 Office of Administrative Hearings

ENDORSED
 APPROVED FOR FILING
 (Gov. Code 11380.2)

MAR 10 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

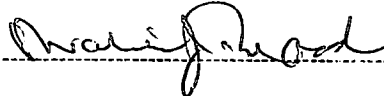
Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: January 13, 1977

By:



Director

(Title)

FILED
 in the office of the Secretary of State
 of the State of California

MAR 10 1977

At 4:45 o'clock P.M.

MARCH FONG EU, Secretary of State

By: 
 Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on May 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Sections:

47-103

Repeal Sections:

47-111	47-125
47-113	47-127
47-115	47-129
47-117	47-131
47-119	47-141
47-121	47-143
47-123	47-145
	47-146

Adopt Sections:

47-111
 47-113
 47-115
 47-117

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-103 DEFINITION OF BLINDNESS

47-103

APSB

Economic blindness as used to determine eligibility is:

1. In general, central visual acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glass.
2. Central visual acuity better than 20/200 if the widest diameter of the remaining visual field is not greater than 20 degrees.
3. If central visual acuity is better than 20/200 and remaining peripheral fields exceed 20 degrees, but are so placed, or shaped, as to be of little practical use, or in an operated eye the disability inherent in the eye condition indicates greater disability than the usual 20/200, the State _____ shall use _____ discretion in recommending approval for aid if the report of pathology is of such character as to prevent ~~the~~ applicant from obtaining the necessities of life.

Interpretationa. Central Visual Acuity

An individual with a central visual acuity of 20/200 can identify a standard object (the Snellen Test Character) at a distance of twenty feet, while an individual with normal vision can identify the same object at a distance of 200 feet. This statement relates to distance vision.

Central visual acuity is indicated by a fraction; the numerator indicates the distance of vision as measured by feet, and the denominator indicates the size of the letter which can be seen on the Snellen Testing chart. For example, 6/200 central visual acuity indicates the applicant can read a "200 foot" letter on the chart at a distance of six feet.

In general, an individual meeting the definition of blindness with a visual acuity of 20/200 in the better eye may be considered to have 1/10th of "normal vision" in that eye; a person with a visual acuity of 10/300 vision may be considered to have 1/30th of "normal vision." A person with a visual acuity of 20/100, which is better than 20/200, may be considered to have 1/5th of "normal vision."

b. Peripheral Vision

The individual must have 20/200 or less, such as 3/200, 15/200, 10/300, or 15/400, to be eligible for aid on the basis of central visual acuity. An individual is eligible with central visual acuity better than 20/200 if the widest diameter of the remaining visual field is not greater than 20 degrees.

In general, a person whose field of vision is restricted to 20 degrees may be described as being able to see an object as though he were looking through a gun barrel. This is frequently called "gun barrel vision." The maximum diameter of the field is taken into consideration and not the radius.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-111 COUNTY WELFARE DEPARTMENT RESPONSIBILITY47-111

DO NOT WRITE IN THIS SPACE

APSB .1 The county welfare department is responsible for securing the applicant's completed Medical History and Disability Report (MC-223), completing the Disability Determination and Transmittal (MC-221) and obtaining three copies of the Authorization for Release of Medical Information (MC-220) each signed by the applicant. The MC-221 (Section 9) must include the statement "Application for Blind Aid Only" or^a similar phrase, and the eligibility worker's observation regarding the applicant's competence and ability to function. The MC-223 needs only completion of Items 1 through 6. Items 3,4 and 5 may be restricted to optometrists, ophthalmologists and treatments of the eye, but must include the date of the latest such visit even though not within the last three years. When the applicant is unable to complete the MC-223 without assistance, the county is responsible for assisting the applicant.

Applications processed in this manner will be determined solely on meeting legal blindness criteria.

.2 The complete packet, including all forms listed above and any supporting documents presented by the applicant relating to the blindness determination, is forwarded to the State Programs Section, Disability Evaluation Branch, Department of Health, at the address specified by the State Programs Coordinator. The county must send the complete packet to the Disability Evaluation Branch no later than 10 days after application is made.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-111 COUNTY WELFARE DEPARTMENT RESPONSIBILITY (Continued)47-111

DO NOT WRITE IN THIS SPACE

.3 County determination of financial eligibility will be conducted parallel to the medical development by the Disability Evaluation Branch. If the case is determined ineligible for other than medical reasons during the period of medical evaluation, the county will notify the Disability Evaluation Branch immediately by telephone and follow with written confirmation. All development on the case will cease and the MC-221 will be returned to the county.

.4 When applicable, the Disability Evaluation Branch will enter on form MC-221 the review date for medical reexamination of the applicant. The county welfare department is responsible for initiating requests for review by the Disability Evaluation Branch within 30 days of the review date. The forms to be submitted for reexaminations depend on whether the county originally developed the case or whether it was developed by the Disability Evaluation Branch.

.41 For cases that the county developed, the county shall submit all of the documents on which the initial decision was based (including the BL-227/MC-221) and the complete packet required for new applications.

.42 For cases that the Disability Evaluation Branch developed, the county will submit only the approving form MC-221 from the last decision in addition to the new application forms.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-113 DISABILITY EVALUATION BRANCH RESPONSIBILITY47-113

APSB Upon receipt of the application packet from the county welfare department,
the Disability Evaluation Branch will take whatever actions are required to
obtain the medical evidence on which a decision can be made.

Normally

- .1 /the applicant will be contacted within one week after
receipt of the packet from the county welfare department, unless it
appears from the available evidence that blindness can be established
without new information.
- .2 When a specialist medical examination is necessary, the closest (to
the applicant) available co-operating source will be contacted, an
appointment made and the applicant informed. The Disability
Evaluation Branch will assist the applicant as necessary when
the physical circumstances of the client require transportation
arrangements.
- .3 When a decision is made, the original MC-221 will be completed and
returned to the county welfare department within 45 days after
initial receipt.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-115 PRIOR ELIGIBILITY

47-115

APSB When the county processes an application for persons discontinued from SSI/SSP, EVH, APSB or MNO because of cessation of blindness, a new determination of blindness is required and all steps needed for a new application to establish blindness must be completed. However, a new determination of blindness is not required if the applicant was discontinued because of a change of income or resource status. In these cases, acceptable verification of disability will include, but not be limited to:

- 1) The presence in the county case file of Form BL-227/BL 227A (Physician/Optomtrist Report of Eye Examination) or MC-221 (Disability Determination and Transmittal) which does not have a review date and which indicates a disability due to blindness, or of a disability due to blindness
- 2) Other documentation/which demonstrates an equivalent degree of validity and reliability.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

47-115 PRIOR ELIGIBILITY (Continued)47-115

If any of these means of proof are available, the case may be
administratively reinstated, citing the original source as verification.
If documentation adequacy is questionable, the Disability Evaluation
Branch may be contacted for consultation.

47-117 FAIR HEARINGS47-117

APSB When an applicant or recipient is denied or discontinued as a result of
the blindness determination and files a request for a Fair Hearing, the
county welfare department is responsible for the preparation for the hearing
in accordance with EAS Manual Section 22-023.3. In preparing the basis
of action statement, the county welfare department should indicate that
the action is based on information on Form MC-221, Disability Determin-
ation and Transmittal, which was completed by the Disability Evaluation
Branch and returned to the county welfare department. The Disability
Evaluation Branch will provide copies of the medical reports to the
hearing officer as requested by the Office of the Chief Referee.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

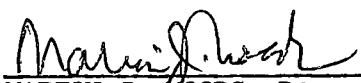
(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed on May 1, 1977 after its filing with the Secretary of State:

- 47-111 EXAMINATIONS BY AUTHORIZED PHYSICIANS OR OPTOMETRISTS
- 47-113 CHOICE OF EXAMINER
- 47-115 EYE EXAMINATION REPORTS
- 47-117 REVIEW OF EXAMINATION REPORTS BY THE SDSW
- 47-119 CONFLICTING EYE EXAMINATION REPORTS
- 47-121 EYE EXAMINATION BY EXAMINER DESIGNATED BY THE SDSW
- 47-123 EYE EXAMINATION BY THE STATE OPHTHALMOLOGIST
- 47-125 PSYCHIATRIC EXAMINATION BY A NEUROLOGIST OR PSYCHIATRIST
- 47-127 MENTAL INCOMPENTS
- 47-129 MALINGERING
- 47-131 HOME EYE EXAMINATION
- 47-141 REDETERMINATION OF BLINDNESS
- 47-143 EXPENSES IN CONNECTION WITH EYE OR PSYCHIATRIC OR NEUROLOGICAL
- 47-145 FAIR HEARINGS BASED ON BLINDNESS
- 47-146 ACCEPTABLE EVIDENCE OF BLINDNESS

There are no increased county administrative costs or program costs in these regulations. State support costs are \$102,000 for FY 1976-77.

Approved:


MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814



March 7, 1977

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on November 29, 1976 concerning Minor in a Maternity Home, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
Marion J. Woods, Director

RECEIVED FOR FILING

MAR 10 1977

Office of Administrative Hearings

FILED

In the office of the Secretary of State
of the State of California

MAR 10 1977

At 1:45 o'clock P.M.

MARCH FONG EU, Secretary of State

By Maipie R. Hershberger
Deputy Secretary of State

FORM 400 *Dr 4542*

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 10 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAR 10 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: MAR 9 1977

By: *Malvin D. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 10 1977

At 1:47 o'clock P. M.

MARCH FONG EU, Secretary of State

By: *Margie R. Hershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on April 10, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

ADOPT: Section 40-189.123
40-189.124
40-189.125
40-189.126

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued) 40-189

AFDC
APSB

.123 The recipient who is admitted to a public or private institution (Section 42-503) for inpatient care is considered to "make his/her home" in the county responsible for payment of aid to him/her at the time he/she was admitted to that institution. A recipient released from inpatient status in an institution other than a state hospital shall have his/her residence determined in the same manner as for any other person.

A recipient released from inpatient status in a state hospital is considered to continue to "make his/her home" in the county from /she which he/was admitted for a period of three years following his/her release from the hospital, subject to the limitation below (see Section 40-125.32).

- a. If the individual was discharged from the hospital prior to July 1, 1969, the county in which he/she "makes his/her home" is determined in the same manner as for any other person. He/she may move from one county to another and his/her prior period of hospitalization in the state hospital is disregarded in determining the county in which he/she "makes his/her home".
- b. If the individual was released on leave of absence from the state hospital prior to July 1, 1969, and discharged on or after July 1, 1969, it is considered that he/she continues to "make his/her home" in the county from which he/she was admitted to a state hospital for as long as he/she remains on leave of absence and for three years following the date of his/her discharge from the hospital.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued) 40-189

AFDC .124 The recipient who has to go to a county other than that in which
APSB he/she has been living, solely because needed care in a medical facility is not otherwise reasonably available to him/her, is considered to 'make his/her home', in the county in which he/she last maintained a living arrangement outside a medical facility. It is considered that he/she moves to another county to 'make his/her home' when:

- a. He/she resumes a living arrangement outside a medical facility in a county other than the county which has been responsible for the aid payment, or
- b. He/she voluntarily moves to a medical facility in another county even though adequate medical facilities are, by that time, reasonably available in the county which has been responsible for the aid payment.

.125 The county in which a recipient 'makes his/her home' is not changes during any absence from the state provided residence outside the state is not established.

APSB .126 In APSB a regular student at the California School for the Blind, the Orientation Center for the Blind, a college, university or other school, including a trainee who is enrolled in a short period of training who is a recipient of APSB through a county other than that in which the school is located is considered "to live" in the county paying the aid at the time of enrollment in school or training plan, provided it is the recipient's plan to return to that county upon completion of the school term, or

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued) 40-189

.126 continued

training. If the recipient fails to return to the county paying
aid, after completion of the training period, he/she is considered
to have moved to the county in which he/she is physically present
"to make his/her home."



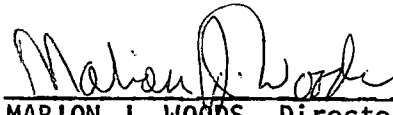
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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The regulation changes do not increase costs of state or local government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

76 71

DR 4542

FORM 400

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING
MAR 10 1977
Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
MAR 10 1977
Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: MAR 9 1977

By: *Mahan P. Ward*

Director

(Title)

FILED
In the office of the Secretary of State
of the State of California

MAR 10 1977
At 4:48 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Margie R. Hershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 63-3500
63-3511.1
63-3512.2

ADOPT: Section 63-3311

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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The following facts constitute the emergency:

1. Chapter 880, Statutes of 1976 was approved by the Governor September 12, 1976 and filed with the Secretary of State on September 13, 1976.
2. Chapter 880, Statutes of 1976 provides that under certain conditions, a waiver of public assistance withholding and direct mail issuance may be granted to a county welfare department by Department of Benefit Payments.
3. The granting of such waivers will allow the county welfare department to operate with greater efficiency and therefore better serve the needs of recipients.
4. The attached regulations implement Chapter 880, Statutes of 1976.
5. Because Chapter 880, Statutes of 1976 was an urgency statute, there is no time to adopt the implementing regulations under normal adoption procedures prescribed by the Administrative Procedures Act, they must be adopted in accordance with emergency procedures prescribed by the Administrative Procedures Act.

Therefore the regulations are adopted on an emergency basis to become effective upon filing with the Secretary of State.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-3311 WAIVER FROM DIRECT MAIL AND/OR PAW (ATP AND HIR COUNTIES)63-3311

Counties may request a waiver from the Director of DBP of the requirement for
direct mail issuance and/or PAW issuance if they meet

the following requirements:

To request a waiver of direct mail issuance, the county must have an adequate
number of over-the-counter sites to provide reasonable access to recipients.

To request a waiver of PAW requirements, the county must show that either:

- 1) a potentially high mail loss rate exists,
- 2) the cost is excessive, or
- 3) less than ten percent of those food stamp recipients who are eligible for PAW
have elected to use this method after having been notified of its availability.

FNS considers mail losses over one percent of dollar volume to be excessive.

However, counties with potential or actual mail loss rates of less than 1%
may be able to obtain a waiver with adequate justification. Excessiveness of
the cost of PAW will be determined by a comparison of the cost of PAW to the
cost of other issuance methods and/or the cost of maintaining the PAW system
in addition to the other systems of issuance. Waiver requests must show such
a comparison to justify a waiver based on cost.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-3311 WAIVER FROM DIRECT MAIL AND/OR PAW (ATP AND HIR COUNTIES)
(Continued)

63-3311

The waiver request must be in writing (with a copy to the County Board of Supervisors) and shall provide complete justification for seeking the waiver.

If the facts presented in the waiver request establish that the above condition(s) are met and that waiver of mail issuance and/or PAW will not substantially impair the ability of eligible households to obtain food stamps, the waiver will be granted.

The county will be notified of the Director's decision within 60 days of receipt of the request for waiver. The Director shall send a copy of the decision to the County Board of Supervisors.

Counties granted waivers of direct mail and/or PAW requirements may choose to offer direct mail and/or PAW to certain areas. Counties granted waivers must submit revised DFA 298s (and 298.2s) reflecting their revised issuance procedures.

DO NOT WRITE IN THIS SPACE

63-3500 PUBLIC ASSISTANCE VOLUNTARY WITHHOLDING (PAW) OF
FOOD STAMP PURCHASE COSTS

63-3500

Unless the county has obtained a waiver of the PAW requirement (see Section 63-3311), the county shall permit any household participating in the Food Stamp Program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its full monthly coupon allotment distributed to it.

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

63-3511 VOLUNTARY PARTICIPATION (Continued)

63-3511

- .1** A form DFA 302 _____ must be on file for each household participating in the program and must be signed by each Public Assistance (PA) recipient in the household from whose grant a portion of the total purchase requirement is withheld.

63-3512 PAW DEDUCTIONS

63-3512

2 Basis of PAW Deduction

Under PAW variable purchase options do not exist (see Section 63-3400). Therefore, the total purchase requirement must be deducted from public assistance grant(s) and/or payment(s) made to household members who elect to participate in PAW. Under no circumstances shall a county deliver food stamps to a household by PAW unless full payment of the purchase requirement has been deducted in advance from such aid. Form DFA 302 provides for the sharing of the purchase

requirement. However, if it is not feasible for the county to provide
for sharing of the purchase requirement, the county need not provide
this option.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

There are cost savings to local government in the regulation changes which offset any increased cost to local government required by the regulation changes.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

76-69

4542

Form 4(2)

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 18 1977

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)

MAR 18 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: March 17, 1977

By: *Mahin P. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 18 1977

At 10:25 o'clock *a* M.

MARCH FONG EU, Secretary of State

By: *Chene E. Deegan*

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on June 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 47-407.22
47-415.1

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

47-407 **PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT**

47-407

APSB

.1 Property Used as a Home

If real or personal property owned by the applicant, or in which the applicant owns an interest with any other person, is used to provide the applicant with a home, the value is disregarded in determining property holdings. The home may be a single dwelling or one with multiple units provided the units not occupied by the applicant are yielding income for his support consistent with their rental value. (See Income Chapter.)

It shall be considered that property is used as a home and the value disregarded during temporary absence as long as there is sound basis for anticipating that the recipient will again occupy the property within a reasonable period of time.

Interpretation — A home includes any property right the applicant or recipient may have in a home or institution in which he is living. A property right in a home or institution may result from an advance payment to the institution such as a property assignment, accommodation fee, founders fee. When the applicant or recipient is living in the home or institution, it is considered that such property right serves to provide him with a home and, accordingly, the total value of the property is disregarded in determining property holdings.

A home owned and occupied means the home used by an applicant and his dependents and the land immediately contiguous to it which is needed for family garden, orchard, etc. "Contiguous" as used herein is land which touches and which is not separated by a road, street, right of way or in any other manner from the land on which the home is located.

Retention of two pieces of property for use as a "home" is permissible only when the recipient's health condition will not permit him to live in either one the entire year, i.e., extreme heat may prevent the occupancy in the regular home in the summer months and the summer home may be located where the climate is too severe in the winter to permit use all of the year or it may be so constructed that it is not adequate housing the year round. In other words, if either of the "homes" is such that it could adequately meet the recipient's housing need all the year round, the second piece of property would be subject to the requirement that it be used to contribute to the support of the recipient. (See .21 below.)

.2 Real Property Held to Produce Income

.21 Additional real property may be owned by the applicant/recipient or in combination with his/her spouse provided (1) it is producing income reasonably consistent with its value and such income is used for the support of the applicant and (2) the total market value less encumbrances thereon of the property does not exceed \$25,000. Any mortgage or note secured by a deed of trust not exceeding a market value of \$25,000 that is obtained by the applicant/recipient, or in combination with his/her spouse through the sale of real property which was producing income shall also be deemed real property so long as the same is used to meet the needs of the applicant/recipient. (See Section 47-417, Utilization of Real Property, and Net Income in Income Chapter)

Interpretation — In evaluating real property held to produce income the total market value of property owned by the applicant or in combination with his/her spouse must be considered regardless of the applicant's equity in the property. When the applicant or the applicant and his/her spouse are not the sole owners of the property their proportionate share of the total market value is considered.

.22 Real property subject to the income producing requirement is property which is not contiguous to the home property, or if contiguous, is so situated that it could be utilized to contribute to the support of the applicant without jeopardizing free use of the home, access to water, etc. (See definition of "contiguous" under Section 1., Interpretation, above.)

In determining if the income from real property subject to the income producing requirement is consistent with the market value of the property the total market value is considered regardless of encumbrances (See Section 47-417.11, Definition of Utilization.)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

47-415 DETERMINING VALUE OF PROPERTY (Continued)

47-415

APSB .1 Determination of Value of Real Property

In APSB, the value of real property is determined by subtracting any allowable encumbrances against it from its market value to determine eligibility (Section 47-407.3, Real Property Limits).

.11 Acceptable evidence of allowable encumbrances on real property are listed below:

- (a) Mortgages
- (b) Notes
- (c) Deeds of Trust
- (d) Pay receipts
- (e) Loan payment books
- (f) Delinquent tax liens
- (g) Judgments items
- (h) Mechanics liens
- (i) Assessments
- (j) Unpaid balance on property

.12 Applicant and/or Spouse Not Sole Owners

If the applicant or the applicant and his spouse are not the sole owners of property, only his or their proportionate share is included in their respective holdings.

.13 In order to identify real property holdings of recipients, the county shall, at least, contact the local county assessor, recorder or tax collector.

2 Acceptable Evidence of Value of Real Property

.21 (Repealed — Manual Letter No. 77-1 Amendments)

.22 In APSB the market value of real property that is being utilized for support of the applicant/recipient (see Utilization Determination, Section 42-217.11) may have its value determined by multiplying the county assessed value by 4, unless the applicant/recipient chooses to provide an appraisal made by a qualified real estate appraiser.

.23 Evidence of an allowable encumbrance in both .21 and .22 above shall be the written document which supports it. Evidence of unwritten encumbrances shall be the sworn statements of all parties, under penalty of perjury to the following:

- .231 initial and maturity date;
- .232 extent of encumbrances; and
- .233 value received.

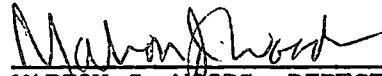
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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

There are no state reimburseable costs involved with these regulations under Section 2231 of the Revenue and Taxation Code because the duties, obligations or responsibilities imposed on local government are minor in nature and will not cause any financial burden on local government.

Approved:



MARION J. WOODS, DIRECTOR
Department of Benefit Payments

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 445-0313



March 17, 1977

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 30, 1977, concerning APSB Real Property Limit Increase, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

RECEIVED FOR FILING
MAR 18 1977
Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of California

MAR 18 1977
A: 10:25 o'clock A.M.
MARCH FONG EU, Secretary of State
By Deane E. Weverman
Deputy Secretary of State

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 445-0313



March 15, 1977

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 17, 1976, concerning Washington v. Obledo, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

RECEIVED FOR FILING
MAR 18 1977
Office of Administrative Hearings

FILED
In the office of the Secretary of State
of the State of California

MAR 18 1977
At 10:25 o'clock A.M.
MARCH FONG EU, Secretary of State
By Deane E. Devereaux
Deputy Secretary of State

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814

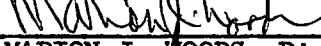
(916) 445-0313



March 15, 1977

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 21, 1976, concerning \$12.50 Increase to Foster Parents, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit PaymentsBy 
MARION J. WOODS, Director

RECEIVED FOR FILING

MAR 16 1977

Office of Administrative Hearings

FILED

In the office of the Secretary of State
of the State of California

MAR 18 1977

At 10:25 o'clock a M.

MARCH FONG EU, Secretary of State

By 
Deputy Secretary of State

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 445-0313



March 29, 1977

4543 76-70
FILED
In the office of the Secretary of State
of the State of California

MAR 30 1977

At 3:02 o'clock P.M.

MARCH FONG EU, Secretary of State

By Margie R. Keshberger
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on December 28, 1976, concerning Indochinese Refugee Assistance Program, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

RECEIVED FOR FILING

MAR 30 1977

Office of Administrative Hearings

76-51
4542

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 30 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAR 30 1977

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: _____

By: _____

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 30 1977

At 3:02 o'clock P. M.

MARCH FONG EU, Secretary of State

By: *Marjorie R. Herberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on May 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Chapters: 11-800
11-900

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

11-800 COMPLIANCE HEARINGS

11-800

11-801 General Statement
Chapter

This / governs the procedure that shall be followed when the Department conducts county compliance hearings in accordance with W&IC § 10605. The Director may invoke this procedure whenever he considers a county to be failing in a substantial manner to comply with any provision of the W&IC or any regulation pertaining to the administration of any aid program supervised by the Department.

11-802 Notice of Noncompliance

11-802

.1 When the Director determines that there is evidence that a county is failing, in a substantial manner, to comply with the laws or regulations pertaining to the administration of aid programs supervised by the Department and that there is a necessity to use the procedure described in these regulations to secure compliance, he shall notify the county director to that effect in writing and will send a copy of the notice to the county board of supervisors.

The notice shall contain:

- .11 A reference to each of the statutes and/or regulations with which the Director believes the county to be failing to comply; and
- .12 A brief explanation of the Director's reasons for believing that such noncompliance exists.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

11-803 County Assurances

11-803

.1 The county director may, within 60 days of the date of the notice of noncompliance, provide the Director with assurances that the county is complying and will continue to comply with the law or regulations in question.

.11 Definition: A county assurance is a statement in writing, signed by the county director and approved by the county board of supervisors, which certifies to the Director that the county is in compliance and which provides the Director with evidence of such compliance.

.2 If, upon receipt of assurances from the county that it is in compliance, the Director determines that the county has not supplied sufficient evidence of such compliance, he may request additional evidence of compliance from the county. The county shall be allowed 15 days from the date of the request to supply additional evidence.

11-804 Order to Show Cause and Notice of Hearing

11-804

.1 If the county does not provide the Director with assurances that it is in compliance within the 60-day time limit, or fails to provide the Director with such additional evidence of compliance as he may require in accordance with Section 11-803.2, the Director shall issue an order to the county director commanding the county to appear at a hearing before the Director and

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

11-804 ORDER TO SHOW CAUSE AND NOTICE OF HEARING (Continued)

11-804

the State Benefits and Services Advisory Board to show cause why the Director should not take action to secure compliance.

- .2 The order to show cause will notify the county of the time and place of the hearing and of the compliance issues which will be considered. A copy of the notice will be sent to the county board of supervisors.
- .3 The Director shall cause the notice to be published in at least one newspaper of general circulation in the county.
- .4 The hearing will be scheduled not less than 30 days nor more than 60 days after the date of the notice.
- .5 The hearing shall be held in the city in which the principal office of the county welfare department is located or in such other place as is designated by the Director when necessary for the convenience of the parties or their representatives.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DO NOT WRITE IN THIS SPACE

11--805 Request to Participate in Hearing

11-805

- .1 The county and the Department are parties to the hearing without making a specific request to participate.
- .2 Other individuals or groups may be recognized as parties, if the issues to be considered at the hearing have caused them injury and their interest is within the zone of interests to be protected by the law or regulation in issue.
 - .21 Any individual or group wishing to participate as a party shall file a petition with the Director within 10 days after notice of the hearing has been published in accordance with 11-804.3 and shall send a copy to the county director and the county board of supervisors.
 - .22 The petition shall concisely state:
 - .221 The petitioner's interest in the proceeding;
 - .222 Who will appear for petitioner;
 - .223 The issues on which the petitioner wishes to participate; and
 - .224 Whether petitioner intends to present witnesses.
- .3 The county may, within 5 days of receipt of a copy of a petition to participate, file comments thereon with the Director.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

11-805 REQUEST TO PARTICIPATE IN HEARING (Continued)

11-805

.4 The Director, or the presiding officer, if one is designated by the Director in accordance with 11-806.2, shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly.

.41 The Director or presiding officer shall give each petitioner written notice of the decision on his or her petition within 10 days of the date of the hearing.

.42 If the petition is denied, the notice shall briefly state the grounds for denial.

.5 Where petitions to participate as parties are made by individuals or groups with common interests, the Director or presiding officer may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners.

11-806 Compliance Hearing

11-806

.1 All parties may:

.11 Appear by counsel or other authorized representative in all hearing procedures.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

11-806 COMPLIANCE HEARING (Continued)

11-806

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- .12 Make opening statements at the hearing.
- .13 Present relevant evidence on the issues at the hearing.
- .14 Present witnesses who then must be available for cross-examination by the other parties.
- .15 Present oral arguments at the hearing.
- .2 The presiding officer at the hearing shall be the Director or his designee.
- .21 The presiding officer shall have the duty to and equitable conduct a fair hearing, to avoid delay, to maintain order, and make a record of the proceedings.
- .22 The presiding officer shall have the power to:
 - .221 Hold conferences to settle or simplify the issues in the proceeding, or to consider other matters that may aid in an expeditious disposition of the proceeding;

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

11-806 COMPLIANCE HEARING (Continued)

11-806

.222 Administer oaths and affirmations;

.223 Regulate the course of the proceeding and
conduct of counsel therein;

.224 Examine witnesses; and

.225 Take any other steps which are reasonably
necessary to ensure a fair and expeditious
proceeding.

- .3 The technical rules of evidence shall not apply to
hearings held pursuant to this division. A witness
may be cross-examined on any matter material to the
proceeding without regard to the scope of his direct
examination. The presiding officer may exclude irrele-
vant, immaterial, or unduly repetitious evidence.
All documents and other evidence offered for or taken
for the record shall be open to examination by the
parties and opportunity shall be given to refute facts
and arguments advanced on either side of the issues.

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11-806 COMPLIANCE HEARING (Continued)

11-806

- .4 The State and the county may agree to stipulations of fact. Such stipulations shall be made part of the record.
- .5 Testimony shall be given orally under oath or affirmation by witnesses at the hearing. Witnesses shall be available for cross-examination by all parties.
- .6 If at any time, whether prior to or during the hearing, the Director finds that the county has come into compliance with any law or regulation in issue, in whole or in part, he shall remove such issue from the proceedings, in whole or in part, as may be appropriate. If all issues are removed, he shall terminate the hearing.
- .7 The issues considered at the hearing shall be limited to those issues of which the county was notified pursuant to Section 11-804.2, unless both the State and the county agree to consideration of a new issue. Issues removed from the proceeding pursuant to paragraph .6 above shall not be considered.
- .8 The Director and the members of the State Benefits and Services Advisory Board shall have the right at any time during the proceeding to:

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(Pursuant to Government Code Section 11380.1)

11-806 COMPLIANCE HEARING (Continued)

11-806

- .81 Examine witnesses,
- .82 Request that testimony be presented on any issue in dispute, or
- .83 Request that a party explain or clarify any argument, evidence or other matter which is relevant to the issues in dispute.

11-807 Proposed Findings and Proposed Decision

11-807

- .1 The Director will consider the issues on the record established at the hearing and seek the advice of the Benefits and Services Advisory Board before reaching a preliminary decision upon the issues.
- .2 Within 30 days of the hearing the Director shall render proposed findings and a proposed decision on the issues. Copies shall be sent to the county director, to the county board of supervisors, and to the other parties to the hearing, if any.

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(Pursuant to Government Code Section 11380.1)

11-807 PROPOSED FINDINGS AND PROPOSED DECISION

11-807

(Continued)

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- .3 The county shall have the opportunity to appear before the Director within 10 days of the date it receives the proposed findings and proposed decision for the purpose of presenting oral arguments with respect to them.
- .4 The Director shall notify the county of the time and place at which oral argument may be presented at the time the proposed findings and decision are submitted to the county. If the county does not wish to present an oral argument it shall notify the Director within 5 days of the date the proposed findings and proposed decision are received.
- .5 If the county does appear to present an oral argument with respect to the proposed findings and proposed decision, such argument shall be limited to questions of possible error in the proposed findings and proposed decision. No new evidence or new issues may be introduced, except that the county may show that it has, since the hearing, taken steps to comply or has complied with any law or regulation in issue.
- .6 If the county does appear to present an oral argument, a record shall be made of the proceedings and shall be made part of the record of the hearing.

CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

11-808 FINAL FINDINGS AND FINAL DECISION

11-808

- .1 If the county does not appear to present an oral argument pursuant to Section 11-807, the Director shall then issue his/her final findings and final decision.
- .2 If the county does appear to present an oral argument pursuant to Section 11-807, the Director shall reconsider his proposed findings and proposed decision in light of the oral argument and shall ^{then} render final findings and a final decision.
- .3 A copy of the final findings and the final decision shall be sent to the county director and the county board of supervisors, and to other parties to the hearing, if any.

11-809 Sanctions

11-809

- .1 If the Director, in his final findings and final decision, determines that there is a failure on the part of the county to comply with the laws or regulations in issue at the hearing and that administrative sanctions are necessary to secure compliance, the Director may immediately proceed to invoke any of the sanctions specified below.

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11-809 SANCTIONS (Continued)

11-809

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- .11 The Director may withhold part or all of State and federal funds from the county until the county makes a showing to the Director of compliance;
- .12 The Director may assume, temporarily, direct responsibility for the administration of any or all State-assisted aid/^{programs} in such county until the county provides reasonable assurances to the Director of its intention and ability to comply with the laws and regulations. During such period of State administrative responsibility for the county programs, the Director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the county board of supervisors;
- .13 The Director may bring an action in mandamus or such other action in court as may be appropriate to compel compliance.
- .2 Nothing in this chapter shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued aid required by law.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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11-810 Compliance With Merit System Requirements 11-810

- .1 If the State Personnel Board certifies to the Director that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, the notice and hearing provisions of this chapter shall not apply.
- .2 Upon receipt of a certification from the State Personnel Board, the Director may immediately proceed to invoke any of the sanctions provided in 11-809.

11-811 Judicial Review 11-811

The county has the right to:

- .1 Seek judicial review under Section 1094.5 of the Code of Civil Procedure of action taken by the Director under these regulations; or
- .2 Seek injunctive relief where deemed appropriate, except that such relief is not available in cases arising under Sections 10962 or 10963 of the W&IC.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

11-900 COMPLIANCE WITH STATE PLAN FOR SECURING CHILD
SUPPORT AND DETERMINING PATERNITY

11-900

11-901 SCOPE

This chapter governs the procedure that shall be followed when the Director determines pursuant to W&IC Section 11475.2 that a public agency, as defined in Section 11-902, is failing to comply with the provisions of the State Plan relating to securing child support and determining paternity. All compliance matters relating to child support and determining paternity will be subject to the provisions of this chapter rather than the provisions of Chapter 11-800.

11-902 Definition

11-902

A public agency for the purposes of this chapter is any county welfare department or other unit of local government / which is required by law, by delegation of the Department or by cooperative agreement to perform functions relating to the State Plan for securing child support and determining paternity.

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(Pursuant to Government Code Section 11380.1)

11-903 VOLUNTARY CORRECTIVE PROCEDURES

11-903

When the Director becomes aware of a potential compliance problem under the State Plan for determining paternity and securing child support, the Director shall initially proceed as follows:

- .1 Where the potential compliance problem may exist in a county welfare department, the Director shall contact the county director regarding the potential problem to determine the extent of the problem and what steps the county is taking to avoid or correct it. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall assign Department staff to work with the county director to achieve a voluntary correction of the potential problem.
- .11 If the potential compliance problem relates to county functions carried out under^a plan of cooperation with the county district attorney's office, the Director shall also contact the district attorney and request his/her assistance in correcting the problem.
- .2 Where the potential compliance problem may exist in regard to State Plan functions carried out by a District Attorney's office pursuant to a plan of cooperation, the Director may contact the District Attorney to determine the extent of the problem, if any. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall contact the Attorney General's office in working with the district attorney to achieve a voluntary correction of the potential compliance problem.

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(Pursuant to Government Code Section 11380.1)

11-904 NOTICE OF INTENT TO ENFORCE COMPLIANCE

11-904

.1 If the procedures described in Section 11-903 do not result in a voluntary correction of a compliance problem and the Director thereafter finds that the public agency is failing in a substantial manner to comply with any provision of the State Plan for securing child support and determining paternity and that sanctions are necessary to secure compliance, the Director shall put such agency on written notice to that effect.

.2 The notice shall contain:

.21 A reference to each provision of the State Plan with which the Director considers the public agency to be failing to comply;

.22 A brief explanation of the Director's reasons for believing that such noncompliance exists; and

.23 A statement regarding which of the sanctions provided in Section 11-906 the Director intends to invoke; and

.24 The date for which the compliance conference provided for in Section 11-905 is scheduled.

.3 The notice shall be sent to the public agency at least 30 days before the date of the compliance conference.

.31 When the notice of intent to enforce compliance is sent to a county welfare department, copies of the notice shall be sent to the county district attorney and the county board of supervisors.

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(Pursuant to Government Code Section 11380.1)

11-904 NOTICE OF INTENT TO ENFORCE COMPLIANCE (Continued)

11-904

.32 When the notice of intent to enforce compliance is sent to a district attorney, copies of the notice shall be sent to the Attorney General, the county welfare department and the county board of supervisors.

11-905 COMPLIANCE CONFERENCE

11-905

.1 Any of the persons or agencies who received a copy of the notice of intent to enforce compliance pursuant to Section 11-904.3 may attend the compliance conference.

.11 If the compliance conference involves State Plan functions carried out by a District Attorney, the Director shall request the Office of the Attorney General to send a representative to the compliance conference.

.12 If a District Attorney who wishes to attend the compliance conference pursuant to the provisions of Section 11-905.1 requests that a representative from the Office of the Attorney General be present, the Director shall request the Office of the Attorney General to send a representative to the conference.

.2 At the compliance conference, the public agency may:

.21 Present evidence of full compliance; or

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11-905 COMPLIANCE CONFERENCE (Continued)

11-905

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- .22 Present a plan for achieving compliance in an expeditious manner.
- .3 If, at the compliance conference, the public agency makes a showing to the Director of full compliance or sets forth a compliance plan which the Director finds to be satisfactory, the Director shall rescind the notice of intent to enforce compliance.
- .4 If, at the compliance conference, the public agency fails to establish that it is in compliance, or fails to present a satisfactory plan for compliance, the Director may proceed to invoke the proposed sanction(s) after notifying the public agency of his decision pursuant to Section 11-905.5.
- .5 The Director shall notify the public agency of his decision within ten days of the conference.
- .51 If the public agency is a District Attorney's office, the Director shall consult with the Office of the Attorney General before making his final decision.
- .6 If the public agency chooses not to attend the scheduled compliance conference, the Director may proceed to invoke the proposed sanction(s) after the date of the compliance conference has passed.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

11-906 SANCTIONS

11-906

at any time

The Director may/after giving the public agency notice in accordance with
Section 11-904 and subject to the provisions of Section 11-905, invoke
either or both of the following sanctions:

- .1 The Director may withhold part or all of State and Federal funds,
including incentive funds, from the public agency until the public
agency makes a showing to the Director of full compliance; or
- .2 The Director may notify the Attorney General that there has been a
failure to comply with the State Plan. The Attorney General shall
then take appropriate action to secure compliance.
- .21 The Director shall, upon request, cooperate with the Attorney
General in developing and carrying out any compliance action
General
which the Attorney/deems appropriate to compel compliance.

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(Pursuant to Government Code Section 11380.1)

11-907

COMPLIANCE WITH MERIT SYSTEM REQUIREMENTS

11-907

.1 If the State Personnel Board certifies to the Director that a public agency which is subject to merit system standards is not in conformity with applicable merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, the notice and conference provisions of this chapter shall not apply.

.2 Upon receipt of a certification from the State Personnel Board, the Director may immediately proceed to invoke either or both of the sanctions provided in 11-905.

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11-907 Responsibility for Funding

11-907

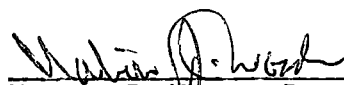
Nothing in this chapter shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued operation of the State Plan as required by law.

CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

These regulations do not mandate any increased cost on any unit
of local government.

Approved:



Marion J. Woods, Director
Department of Benefit Payments

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APR 11 1977
Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)
Dated: _____
By: Marion J. Worde
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

APR 11 1977 m
At 2:43 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Maipie R. Shershbergel
Deputy Secretary of State

Office of Administrative Hearings

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on June 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

- Amend Sections:
- 69-204.1
 - 69-204.24
 - 69-205.5
 - 69-205.8
 - 69-209
 - 69-213.55

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 (Pursuant to Government Code Section 11380.1)

69-204 SPONSOR AND COUNTY RESPONSIBILITIES

69-204

.1 Sponsor Responsibilities

Most of the refugees who reach a community will have been resettled by one of the national voluntary agencies working with the Federal Government and will have a local sponsor. In resettling a refugee, the resettlement agency and the sponsor undertake certain responsibilities as a moral commitment.

These responsibilities include receiving the refugee and his/^{/her}family, providing shelter and food; providing clothing and pocket money; providing assistance in finding employment and in enrolling children in school; and covering ordinary medical costs. Once employment is obtained, the sponsor will assist the refugee in locating permanent housing, acquiring minimal furniture, and arranging for utilities. Sponsors are also expected to help the refugees with some of the less tangible aspects of adjustment to a new culture.

69-204 SPONSOR AND COUNTY RESPONSIBILITIES (Continued)

69--204

.2 County Responsibilities (Continued)

- .24 Some applications for financial assistance may be made either when the sponsor is unable or unwilling to meet the total needs of the refugee(s) for whom he/^{/she}has accepted responsibility or when the refugee terminates the sponsorship for whatever reason. When either of these situations occurs, aid is to be granted in an amount sufficient to meet the unmet needs as determined by the AFDC standard.

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(Pursuant to Government Code Section 11380.1)

69-205 ELIGIBILITY (Continued)

69-205

.5 Registration, Employment and Training Requirements

Indochinese refugees are not eligible for WIN or SAU services. They are, however, eligible for employment -related services (Social Service Regulations, Chapter 30-500) and may be included in educational and training services where they are made available by the county (See Title XX Comprehensive Annual Services Program Plan).

As a condition of eligibility every Indochinese refugee applicant or recipient shall register and maintain registration with the State Employment Development Department (EDD), and must accept an employment or training opportunity from any source which is determined to be appropriate, unless good cause can be established (per Sections 69-205.6 or 69-205.7), or unless one of the exemptions listed below apply:

.51 Refugees Exempt from EDD Registration, Employment and Training Requirements

- a. A person under 16 years of age.
- b. A person regularly participating in school or training full time and who is at least 16 but not yet 21 years of age.
- c. A person 21 years of age or older participating in school or training full time who meets the requirements of Section 69-205.8.
- d. A person age 65 or older.
- e. A person who is ill or injured, when his/her illness or injury is verified by a physician's written statement that the illness or injury is serious enough to temporarily prevent his/her entry into employment or training.
- f. A person who is incapacitated, when it is determined that the physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or training. The criteria for determination of incapacity as outlined in EAS Manual Section 41-430.2 shall be applied.
- g. A person whose presence in the home is required on a substantially continuous basis because of the physical or mental impairment of another member of the household.
- h. A mother of an unborn child; a mother or other caretaker of a child under six years of age, who is caring for the child.
- i. A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the FBU is registered with EDD and has not refused to accept employment or training without good cause.
- j. The individual is fully-employed (i.e., 40 hours per week or more).

.52 Inability to communicate in English does not make the refugee "unemployable."

.53 Referral to EDD

- .531 The MA 5-95 _____ shall not be used to refer Indochinese refugees to EDD for registration. The county welfare department shall use Form DE 2451, or other EDD-approved forms, for referral, and clearly indicate the person is an Indochinese refugee.
- .532 The recipient may verify current EDD registration by presenting his/her I.D. card stamped with the required renewal date (i.e., every 30, 60 or 90 days, depending upon the schedule of the local EDD office.)

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69-205 ELIGIBILITY (Continued)

69-205

.54 Training Requirements for Employed Refugees

.541 A refugee who is employed part-time (i.e., less than 100 hours per month) is required to participate in available and appropriate part-time training (such as English language or skill training) as a condition of eligibility for aid. The county shall be responsible for determining both the availability and appropriateness of the part-time training on a case-by-case basis.

.542 A refugee who is employed full-time (i.e., 100 hours or more per month) shall be encouraged but not required to participate in available and appropriate part-time training (such as English language or skill training).

.55 As an applicant for assistance, an Indochinese refugee shall not, during 30 calendar consecutive days immediately prior to the beginning date of aid have, without good cause, voluntarily quit, been discharged for willful misconduct, or refused to apply for or accept a bona fide offer of employment or training.

.56 As a recipient of assistance _____, an Indochinese refugee shall not while in receipt of aid have, without good cause, voluntarily quit, been discharged for willful misconduct or refused to apply for or accept a bona fide offer of employment or training.

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(Pursuant to Government Code Section 11380.1)

69-205 ELIGIBILITY (Continued)

69-205

.8 Receipt of Assistance By Refugees 21 or Over While Attending School or Training..81 Conditions Under Which Refugee Full-Time College Attendance
May Be Considered Training

Full-time attendance in a college program for a person age 21 or over,
is not considered appropriate training unless one of the following is
applicable:

.811 The individual will finish his or her degree within one year.

.812 The program has a definite short-term employment objective (less
than one year) and is approved by the welfare agency as part of
an employability plan for the refugee.

.813 The individual is a professional who is attending college to
become relicensed in his or her profession. In such cases,
continued attendance shall be approved up to September 30, 1977,
if such course of study is not completed earlier.

.82 A full-time student who is 21 years of age or older and who is currently
receiving cash assistance shall continue to receive assistance only
through the end of the semester or quarter in progress on January 1,
1977 unless the refugee meets one of the exceptions in Section
69-205.81.

.83 A refugee of any age who is otherwise eligible shall not be denied cash
assistance while enrolled and participating in a training program
which is part of an employability plan approved by the CWD, i.e.,
training intended to have a definite short-term (less than one year)
employment objective when:

.831 The quality of the training meets local employers' requirements
so that the individual will be in a competitive position within
the local labor market; and

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(Pursuant to Government Code Section 11380.1)

69-205 ELIGIBILITY (Continued)

69-205

.832 The training is likely to lead to employment other than that
which is precluded under Section 69-205.73a., b., c., d., or
e.

69-209 AID PAYMENTS

69-209

Financial assistance to all types of refugee cases, regardless of family composition, shall be based on the maximum aid payment for AFDC. (See 44-315.)

- .1 Refugees will be eligible for recurring special needs allowances up to the MBSAC, using the same requirements for eligibility as stated in Section 44-265.2. Eligibility for nonrecurring special needs exists subject to Section 44-265.12, .13, .14 and .3 but may be paid only for loss which has occurred subsequent to April 8, 1975, or their arrival in the state, whichever is later. Assistance for nonrecurring special needs is not to replace items of property which were left in Vietnam, Cambodia or Laos.
- .2 Payments for children placed in licensed foster family homes shall be paid at the rate established in the county in which the home is located. (See Section 44-221.)
- .21 Notwithstanding other eligibility requirements, Indochinese children who have been legally adopted by United States citizens are not eligible for assistance under this program.
- .3 For purposes of this program, aid payments may be made monthly or semi-monthly at the option of the county.

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(Pursuant to Government Code Section 11380.1)

69-213 TERMINATION OF AID (Continued)

69-213

.55 An employable refugee may reapply for assistance at any ^{time} after the termination of assistance because of refusal to accept employment or training. The effective date of aid, however, may be no earlier than the day after the completion of the 30-day penalty period.

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(Pursuant to Government Code Section 11380.1)

There are no county cost increases required by the regulation changes because the costs of IRAP is entirely funded by the Federal Government.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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(Pursuant to Government Code Section 11380.1)

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Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
APR 11 1977
Office of Administrative Hearings

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments
(Agency)

Dated: April 1, 1977

By: *Mahon*
Director
(Title)

FILED
In the office of the Secretary of State
of the State of California

APR 11 1977
At 2:45 o'clock P.M.
MARCH FONG EU, Secretary of State
By: *Marjorie R. Shoberg*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect July 1, 1977 after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 43-105.2

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(Pursuant to Government Code Section 11380.1)

43-105 RESPONSIBILITY FOR SUPPORT

43-105

2 Parents of Minor Parents.21 General

Among the resources of minor parents is the legally required support that their parents are capable of making. These resources must be explored in order to determine eligibility for AFDC. Parents are not financially liable for their grandchildren.

.22 Special Exception when a Pregnant Child is placed in a Maternity Home who is under 21 years of age and

The parents of a pregnant child/who has been placed in a licensed institution for maternity care are not financially responsible for the costs of maternity home care or related prenatal services. No can be requested financial contribution/from the pregnant child's parent(s).

The CWD shall not refer such parent(s) to District Attorney the / for a determination of the financial liability of the parent(s). In order for this section to apply:

.221 The child must be placed in the institution pursuant to a social services plan developed in accordance with Section 30-200 (Out-of-Home Care Services for Children).

This means that there must be a court order or the parent(s) of the pregnant child must enter into a voluntary agreement with the CWD for placement of their child.

.222 The child must be pregnant.

.223 The child must be placed in a licensed institution which provides maternity care and related prenatal services.

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WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

43-105 RESPONSIBILITY FOR SUPPORT Continued

43-105

.23 The provisions of .22 above are to be applied to applicants
/recipients effective October 1, 1976. This means that any
involuntary financial contribution received on or after October 1,
1976 shall be returned. Any referrals to the District Attorney
now prohibited by .22 above shall be withdrawn.

The elimination of financial responsibility under .22 above does not
supersede any other eligibility criteria for AFDC-BHI. (See Section
44-323.1, Payments for Children in Foster Care - General Eligibility).

The provisions of Section 43-105.22 extend only through December 31, 1977.

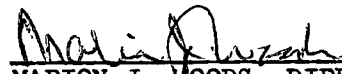
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The duties, obligations or responsibilities imposed on local government by this regulation are minor in nature and will not cause any financial burden on local government.

Approved:


MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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4542

7-13

402 + 403
x 404

FORM 400

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

<p>RECEIVED FOR FILING</p> <p>APR 21 1977</p> <p>Office of Administrative Hearings</p> <p>ENDORSED</p> <p>APPROVED FOR FILING (Gov. Code 11380.2)</p> <p>APR 21 1977</p> <p>Office of Administrative Hearings</p> <p>DO NOT WRITE IN THIS SPACE</p>	<p>Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:</p> <p>Department of Benefit Payments</p> <p>(Agency)</p> <p>Dated: April 18, 1977</p> <p>By: <i>M. J. Work</i></p> <p>Director</p> <p>(Title)</p>	<p>FILED</p> <p>In the office of the Secretary of State of the State of California</p> <p>APR 21 1977</p> <p>At 10:22 o'clock a.m.</p> <p>MARCH FONG EU, Secretary of State</p> <p>By: <i>Marypie R. Kershner</i></p> <p>Deputy Secretary of State</p> <p>DO NOT WRITE IN THIS SPACE</p>
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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on July 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

Amend Section: 44-111.3 (k)

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME
(Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

AFDC k. Both renter's credit payments and the special tax credit for renters
62 years and older are considered personal
property resources rather than income. _____

(See Section 42-211.2, Property Included in Personal Property
Reserve Limitation.)

Eligible renters may receive renter's credit payments and special
tax credit payments from the California Franchise Tax Board.

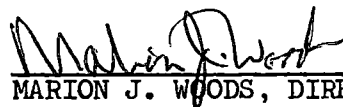
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The regulation change will not result in any increased Administrative, Program or Support costs.

Approved:



MARION J. WOODS, DIRECTOR
Department of Benefit Payments

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021 40.469
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FORM 400

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APR 21 1977

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

APR 21 1977

Office of Administrative Hearings

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: April 18, 1977

By: *Malvin J. Wood*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 21 1977

At 10:22 o'clock a.m.

MARCH FONG EU, Secretary of State

By: *Marjorie R. Hershberger*
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

This order shall take effect on July 1, 1977, after its filing with the Secretary of State as provided in Section 11422 of the Government Code.

AMEND: Section 63-2041
63-2329.5

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2041 DISCLOSURE OF INFORMATION

63-2041

Pursuant to Welfare and Institutions Code Section 18909, Section 10850 of that code relating to the confidential nature of records applies to the records and rights of individuals benefiting from food stamps. Food stamp records are open to Food Stamp Program participants in the same manner as public assistance records are to recipients.

The county welfare department shall restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration and enforcement of the Food Stamp Program. Names and addresses of participating households may be made available to persons directly connected with nutrition education and outreach efforts. The county welfare department may cooperate in furnishing needed information to the Federal Bureau of Investigation or other law enforcement agencies if the investigation concerns a household fraudulently obtaining coupons or otherwise violating the Food Stamp Act or Federal or State regulations. The county must release information contained in active and inactive county _____ food stamp case files to authorized persons as defined under terms of P.L. 93-647, when such requests are made through the Parent Locator Service established by Title IV of the Social Security Act. However, information to be released concerning former and current food stamp applicants and recipients from the case files shall be limited to their most recent home address and their most recent place of employment unless a valid waiver is in the case file.

Information may be released in other than the above situations with a waiver signed by the individual on whom information is requested. The waiver must state what information is to be released (either itemizing or stating a general release of any information requested) and must designate the person(s) or organization(s) authorized to request and receive the information. The waiver shall be dated and shall designate the period of time for which the release is valid.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

63-2329 STRIKERS (Continued)

63-2329

.5 Unlawful Strikes

When a court of law has issued an injunction or other order declaring the strike to be unlawful, such an order shall be considered to be a continuing offer of suitable employment to the striker. Failure of the striker to return to his/her employment shall be considered failure to comply with the work registration requirement of the Food Stamp Act, and county welfare departments shall deny or terminate any household in which one or more household members are participating in a strike contrary to such a court order. However, if the household can demonstrate that the member or members involved in the illegal strike are not required to register for work in accordance with the exemptions in Section 63-2222, the household may then be certified for participation, if otherwise eligible.

Counties should be advised that Temporary Restraining Orders (TROs) and other written court orders which direct striking employees to return to their jobs do not always constitute a judgment that the strike is actually unlawful.

Therefore, before a strike may be considered as such for food stamp purposes, the court order upon which the county relies must clearly state that the strike is illegal. If it appears that a strike in which food stamp applicants or recipients are participating may have been declared illegal, the county shall act to secure documentation to this effect. Food stamp benefits shall not be denied to strikers until the county has in its possession a copy of the court order which contains a clear statement that the strike is illegal.

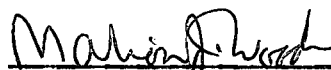
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The regulation change does not increase costs of local or state governments.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 445-0313



April 18, 1977

FILED
In the office of the Secretary of State
of the State of California

APR 21 1977 m
At 10:40 o'clock a.m.
MARCH FONG EU, Secretary of State
By Neypie R. Herschler
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE - Section 11422.1, Government Code

The Department of Benefit Payments hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations filed with the Secretary of State on March 1, 1977, concerning Special Renters Credit, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424 and 11425, Government Code.

Department of Benefit Payments

By Marion J. Woods
MARION J. WOODS, Director

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